

URGENT ACTION

INDIGENOUS LAND CLAIM A STEP CLOSER TO REALITY

On 21 May the plenary of the Paraguayan Lower Chamber (Cámara de Diputados) will vote on a bill to return 14,404 hectares of traditional land to the Sawhoyamaxa Indigenous community. The community has been fighting for their land which is vital for their survival for over 20 years.

The bill will allow the State to expropriate the land and to return it to the **Sawhoyamaxa Indigenous community** by paying the landowner compensation. On 24 April the community celebrated a favourable voting in the Senate, a major step forward towards the restitution of their land and the compliance with the 2006 judgement of the Inter-American Court of Human Rights. The positive outcome achieved by the community in the Senate could be replicated if they secure the final approval of the bill in the Lower Chamber on 21 May. If passed, the bill must then be enacted (*promulgada*) by the President of Paraguay. On the same day of the voting the Inter-American Court will hold a hearing to review Paraguay's compliance of its 2006 judgment. A positive result in the Congress will send a strong message to the Court about the willingness of the State to comply with the international order.

Please write immediately in Spanish or your own language:

- Calling on the members of the Lower Chamber to pass the bill ordering that the land claimed by the Sawhoyamaxa be returned to the community to put an end to many years of discrimination and other human rights violations against them;
- Reminding members of the Lower Chamber that the land claimed by the Sawhoyamaxa is essential for the survival of the community and that by passing this bill they would not only comply with the Inter-American Court's judgment, but also demonstrate their commitment to ensuring the rights of Indigenous Peoples.

PLEASE SEND APPEALS BEFORE 21 MAY 2014:

President of the Rural Welfare

Commission

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President of the Indigenous Peoples'

Commission

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President of the Human Rights

Commission

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Partido Unión Nacional de Ciudadanos

Ético

Sr. Jorge Oviedo Matto

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Partido Encuentro Nacional

Sr. Hugo Rubín

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Colorado (ANR B)

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Sr. Hugo Rubín

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**Salutation: Dear parliamentarian/
Estimado (a) Senador (a)**

**All of the above are contactable by
regular mail and fax at:**

[Title and name]

Honorable Cámara de Diputados

14 de Mayo e/ Avda. República

Asunción, Paraguay

Tel/Fax: +595 21 414 5000

And copies to:

Sawhoyamaxa Indigenous community

(via NGO Tierraviva)

Manuel Domínguez N° 1073 e/ EEUU y

Brasil

Asunción, Paraguay

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date

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ADDITIONAL INFORMATION

The Sawhoyamaxa Indigenous community have lived in harsh conditions on a narrow strip of land by the side of a busy road for over 20 years. In March 2013, after negotiations between the State and the private owner failed, the community decided to return to a portion of the land and continued their battle from there. The Sawoyamaxa is formed of 146 families and will not be able to have full rights over their land until this is formally returned to them, as required by the international judgement.

In 2006, the Inter-American Court of Human Rights ordered Paraguay to return the ancestral land to the Enxet Indigenous community Sawhoyamaxa. In its judgments, the Court found that the rights to judicial protection, the right to property and right to life of members of the three communities had been violated. The Paraguayan state failed in May 2009 to meet a three-year deadline to return the traditional land to the community.

The Inter-American Court of Human Rights has ruled on three occasions that Paraguay has violated the rights of Indigenous Peoples with regards to their ancestral land. Paraguay is the only country in the Americas region against which the Court has issued three judgments of this kind.

Paraguay has ratified International Labour Organization (ILO) Convention 169 on Indigenous and Tribal Peoples and endorsed the UN Declaration on the Rights of Indigenous Peoples, which require recognition of Indigenous Peoples' rights to ancestral lands. In addition, the 1992 Constitution establishes Indigenous Peoples' right to hold communal property, and the state's responsibility to provide such lands free of charge.

For more information, please see further information on UA 95/14, <http://www.amnesty.org/en/library/info/AMR45/004/2014/en>.

Name: Sawhoyamaxa Indigenous community

Gender m/f: both

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