

URGENT ACTION

MAJOR VICTORY FOR INDIGENOUS COMMUNITY

On 11 June the President of Paraguay enacted (*promulgó*) the law that will allow the return of 14,404 hectares of traditional land to the Sawhoyamaya Indigenous community. This is a major victory for the community who have been fighting for their land for over 20 years.

After being approved by the Senate and the Lower Chamber, President Horacio Cartes enacted the law that will allow the Paraguayan State to expropriate the land and return it to the **Sawhoyamaya Indigenous community** by paying the landowner compensation.

By passing the law, the President of Paraguay has sent a strong message about the willingness of the State to respect and protect the rights of Indigenous Peoples.

Many thanks to all who sent appeals. No further action is requested at this time from the UA network.

This is the second update of UA 126/14. Further information: www.amnesty.org/en/library/info/AMR45/008/2014/en

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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 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 the recent news story celebrating the passing of the law, <http://www.amnesty.org/en/news/paraguay-celebrations-law-will-return-ancestral-land-indigenous-community-after-two-decades-des>.

Name: Sawhoyamaxa Indigenous community

Gender m/f: both

Further information on UA: 126/14 Index: AMR 45/009/2014 Issue Date: 12 June 2014