

PARAGUAY

I) RELEVANT LEGAL EVENTS

MEMBER OF THE ORGANIZATION OF AMERICAN STATES SINCE: MARCH 30, 1950

RATIFIED AMERICAN CONVENTION: AUGUST 18, 1989

Recognition of competence (from <http://www.cidh.org/basicos/english/Basic4.Amer.Conv.Ratif.htm>)

On March 11, 1993, Paraguay presented to the General Secretariat of the OAS an instrument recognizing the jurisdiction of the Inter-American Court of Human Rights, "for an indefinite period of time and which should be interpreted in accordance with the principles of International Law in the sense that this recognition refers expressly to acts that occurred after the deposit of this instrument and only for cases in which there exists reciprocity.

ACCEPTED JURISDICTION OF THE IA COMMISSION FOR "INTERSTATE COMMUNICATIONS" (ART. 45): AUGUST 24, 1989

ACCEPTED JURISDICTION OF IACHR (ART. 62): MARCH 26, 1993

II) DECISIONS, JUDGMENTS AND ORDERS

A) CASES

I) Case of Ricardo Canese v. Paraguay

In August 1992, during the electoral debates leading up to the 1993 Paraguayan presidential elections, Ricardo Canese questioned presidential candidate Juan Carlos Wasmosy's stability and integrity. Several Paraguayan newspapers published Canese's statements, which lead to him being tried and sent to prison for slander. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Freedom of Expression; Movement and Residence; Access to Legal Procedures; Civil and Political Rights*

Merits, Reparations and Costs

Judgment of August 31, 2004. Series C No. 111

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of February 2, 2006
- 2) Order of the Inter-American Court of Human Rights of September 22, 2006
- 3) Order of the President of the Inter-American Court of Human Rights of December 10, 2007 (Available only in Spanish)
- 4) Order of the Inter-American Court of Human Rights of February 6, 2008
- 5) Order of the Inter-American Court of Human Rights of August 6, 2008

II) Case of the Juvenile Redaction Institute v. Paraguay

A Paraguayan juvenile criminal facility, known as the Panchito López Center, virtually ignored every international standard pertaining to juvenile incarceration. The conditions were grossly inadequate for the interning of children, specifically: overpopulation, overcrowding, lack of sanitation, inadequate infrastructure and prison guard staff that was both too small and poorly trained. This was the first case where the Court established standards for the young people's detention conditions. At that time, the law did not establish that a custodial sentence should only be passed as a last resort and for the shortest possible time, particularly in the case of minors. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Civil and Political Rights; Criminal Justice; Independence of Judiciary; Prison and Detention Conditions; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Preliminary Objections, Merits, Reparations and Costs

Judgment of September 2, 2004. Series C No. 112

Monitoring Compliance with Judgment

- 1) Order of the President of the Inter-American Court of Human Rights of December 10, 2007 (Available only in Spanish)
- 2) Order of the Inter-American Court of Human Rights of February 6, 2008
- 3) Order of the President of the Inter-American Court of Human Rights of August 5, 2009 (Available only in Spanish)
- 4) Order of the Inter-American Court of Human Rights of November 19, 2009

III) Case of the Yakye Axa Indigenous Community v. Paraguay

This case concerns the State's failure to ensure the ancestral property rights of the Yakye Axa Indigenous Community and its members. The Community's land claim has been processing since 1993, but no satisfactory solution has been attained. This conflict has made it impossible for the Community and its members to own and possess their territory, not only keeping them in a vulnerable situation in terms of food and health care, but also threatening the Community's survival. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Economic, Social, and Cultural Rights; Housing, Land, and Property Rights; Indigenous Peoples' Rights*

Merits, Reparations and Costs

Judgment of June 17, 2005. Series C No. 125

Monitoring Compliance with Judgment

- 1) Order of the President of the Inter-American Court of Human Rights of December 14, 2007 (Available only in Spanish)
- 2) Order of the Inter-American Court of Human Rights of February 8, 2008
- 3) Order of the Inter-American Court of Human Rights of June 24, 2015 (Available only in Spanish)
- 4) Order of the President of the Inter-American Court of Human Rights of September 1, 2016 (Available only in Spanish)

- 5) Order of the Inter-American Court of Human Rights of August 30, 2017 (Available only in Spanish)

IV) Case of the Sawhoyamaya Indigenous Community v. Paraguay

This case concerns the State's failure to ensure the ancestral property right of the Sawhoyamaya Community and its members. The indigenous community and its members were barred from title to and possession of their lands. Their claim for territorial rights had been pending since 1991 and had not been satisfactorily resolved by the date of this judgment. This kept the indigenous community in a constant state of nutritional, medical, and health vulnerability, which threatened their survival and integrity. The Court found that the State violated the American Convention on Human Rights to the detriment of the Sawhoyamaya Community.

Key Words: *Access to Legal Procedures; Civil and Political Rights; Discrimination; Economic, Social, and Cultural Rights; Housing, Land, and Property Rights; Indigenous Peoples' Rights; Internally Displaced Persons; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Merits, Reparations and Costs

Judgment of March 29, 2006. Series C No. 146

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of February 2, 2007
- 2) Order of the President of the Inter-American Court of Human Rights of December 14, 2007 (Available only in Spanish)
- 3) Order of the Inter-American Court of Human Rights of February 8, 2008
- 4) Order of the President of the Inter-American Court of Human Rights of May 20, 2009 (Available only in Spanish)
- 5) Order of the Inter-American Court of Human Rights of June 24, 2015 (Available only in Spanish)
- 6) Order of the President of the Inter-American Court of Human Rights of September 1, 2016 (Available only in Spanish)
- 7) Order of the Inter-American Court of Human Rights of August 20, 2017 (Available only in Spanish)

V) Case of Goiburú et al. v. Paraguay

In 1974 and 1977, State agents illegally and arbitrarily detained, tortured, and disappeared Mr. Agustín Goiburú Giménez, Mr. Carlos José Mancuello Bareiro and brothers Mr. Rodolfo Feliciano and Mr. Benjamín de Jesús Ramírez Villalba. As of the date of the judgment, the crimes were not investigated and the whereabouts of the victims remained unknown. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Arbitrary Arrest and Detention; Forced Disappearances; Abduction; Extrajudicial Killing; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Merits, Reparations and Costs

Judgment of September 22, 2006. Series C No. 153

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of August 6, 2008
- 2) Order of the President of the Inter-American Court of Human Rights of August 7, 2009 (Available only in Spanish)
- 3) Order of the Inter-American Court of Human Rights of November 19, 2009
- 4) Order of the Inter-American Court of Human Rights of May 23, 2017 (Available only in Spanish)

VI) Case of Vargas Areco v. Paraguay

On January 26, 1989, Gerardo Vargas Areco, a fifteen year old minor, was recruited into military service in the Paraguayan Armed Forces. On December 30, 1989, Vargas Areco was arrested after failing to voluntarily and timely return to his military post. Vargas Areco appeared at the military's infirmary for treatment of a minor injury. After being treated, he fled the grounds to evade the punishment imposed upon him for failing to return. While fleeing, a non-commissioned officer shot Vargas Areco to death. The body of the dead child was found the following day 100 meters away from the military post's infirmary. The Court found that the State violated the American Convention on Human Rights and the Inter-American Convention to Prevent and Punish Torture to the detriment of the victim.

Key Words: *Minors/Children; Terrorism; Life (Right to); Access to Legal Procedures; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Merits, Reparations and Costs

Judgment of September 26, 2006. Series C No. 155

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of October 30, 2008
- 2) Order of the President of the Inter-American Court of Human Rights of July 20, 2010
- 3) Order of the Inter-American Court of Human Rights of November 24, 2010
- 4) Order of the Inter-American Court of Human Rights of September 4, 2012

VII) Case of the Xákmok Kásek Indigenous Community v. Paraguay

This case relates to the State's international responsibility for failing to ensure the ancestral property rights of the Xákmok Kásek Indigenous Community and its members. The actions concerning the territorial claims of the Community had been processing since 1990 and had not been decided satisfactorily at the time of this judgment. Not only was it impossible for the Community to access the property and take possession of their territory, but the Community was also left in a vulnerable situation with regard to food, medicine, and sanitation that continuously threatened the Community's integrity and the survival of its members. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Indigenous Peoples' Rights; Criminal Justice; Economic, Social, and Cultural Rights; Housing, Land, and Property Rights; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Merits, Reparations and Costs

Judgment of August 24, 2010. Series C No. 214

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of June 24, 2015 (Available only in Spanish)
- 2) Order of the President of the Inter-American Court of Human Rights of September 1, 2016 (Available only in Spanish)
- 3) Order of the Inter-American Court of Human Rights of August 30, 2017 (Available only in Spanish)

B) Provisional Measures (Art 63.2)

- 1) Matter of L.M. regarding Paraguay [July 1, 2011]
- 2) Matter of L.M. regarding Paraguay [January 23, 2012]
- 3) Matter of L.M. regarding Paraguay [April 27, 2012]