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Paraguay

Country:

Paraguay

Year:

2018

Freedom Status:

Partly Free

Political Rights:

3

Civil Liberties:

3

Aggregate Score:

64

Freedom Rating:

3.0

Overview:

Paraguay's democracy is dominated by the conservative Colorado Party, which won the 2013 elections after a brief spell out of power. Corruption is decreasing but remains widespread, while organized crime and environmental destruction damage the rights of rural and indigenous populations. Poverty and discrimination also limit the rights of women and children in particular.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 27 / 40

A. ELECTORAL PROCESS: 10 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The president is directly elected to no more than one five-year term. The 2013 presidential election, which was won by Horacio Cartes of the conservative Colorado Party with 46 percent of the vote, was viewed as largely free and fair. However, the Organization for Security and Co-operation in Europe (OSCE), the European Union (EU), and the

Organization of American States (OAS) were among those calling for greater transparency in electoral processes.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The bicameral Congress consists of a 45-member Senate and an 80-member Chamber of Deputies, all elected for five-year terms. The 2013 legislative elections, while largely free, were marred by allegations of vote buying, as well claims of limitations placed on the movement of indigenous voters ahead of the election— an effort described by the International Work Group for Indigenous Affairs as intended to prevent them from selling their votes. The next elections were scheduled to take place in April 2018, and the OSCE reported in 2015 that there had been “significant progress” on transparency-minded reforms.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The Superior Electoral Court of Justice (SCEJ) regulates electoral processes. The OAS, following the 2013 elections, expressed concern about the professionalism of some SCEJ members, but noted improvements after the 2015 municipal polls.

A secretive attempt by president Cartes to introduce presidential reelection sparked protests in March and April 2017, and he ultimately abandoned the effort in the face of public pressure.

B. POLITICAL PLURALISM AND PARTICIPATION: 12 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

The system is open to the rise of different political parties, although before President Lugo and the Patriotic Alliance for Change (APC) came to power in 2008, the center-right Colorado Party had ruled Paraguay for over 60 years. Lugo was controversially impeached in 2012. While the vote was constitutional, his swift ouster raised questions about the absence of due process.

The national scene is currently dominated by the Colorado Party and opposition Authentic Radical Liberal Party (PLRA). However, factions and smaller parties regularly depart and build different coalitions.

During the 2017 protests over efforts to amend the constitution to allow presidential reelection, police in early April killed a member of the PLRA in a raid on its headquarters. The interior minister and police chief were removed over the matter, and an investigation was initiated.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Lugo was able to come to power in 2008 due to a split in the Colorado Party. A liberal-left coalition made major gains in municipal elections in 2015, and was expected to contest the 2018 elections.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 3 / 4

The Catholic Church has some political influence. There is concern over the growing influence of Brazilian landowners in border regions. Media outlets are concentrated among a few families, including that of President Cartes, granting owners a platform from which they may attempt to define the political sphere. The constitution bars military personnel from politics.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Very few indigenous people and ethnic minorities occupy high office or congressional seats, and no Afro-Paraguayans or indigenous people held legislative office in 2017. Women are generally underrepresented in politics, and particularly in leadership positions.

C. FUNCTIONING OF GOVERNMENT: 5 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

While elected officials determine government policy, the making and implementation of decisions is often influenced or hampered by organized crime and corruption.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption cases languish for years in the courts without resolution, and offenses often go unpunished due to political influence in the judiciary. A number of anticorruption initiatives have been launched in recent years. NGOs and the media work to expose corruption and provide some accountability.

C3. Does the government operate with openness and transparency? 2 / 4

A secretive attempt by the Cartes government and allied sectors of opposition parties to change the constitution to allow presidential reelection, which is currently prohibited by the constitution, became public in March 2017, when the Senate voted to amend the constitution. The effort provoked major protests in March and April, which subsided after Cartes announced that "in no event" would he run in 2018. Later that month, the Chamber of Deputies rejected the amendment. The events reflected an ability by the government to craft major pieces of legislation without having to inform the public.

Nevertheless, government transparency, especially in public administration, is gradually improving, and the effective implementation of access to information laws has bolstered investigative journalism.

CIVIL LIBERTIES: 37 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 12 / 16

D1. Are there free and independent media? 2 / 4

Constitutional rights of freedom of expression and the press are unevenly upheld practice. Direct pressure, including threats by criminal groups and corrupt authorities, encourages self-censorship, and violent attacks against journalists take place occasionally.

Reporters who covered the protests against Cartes's attempt to allow presidential reelection faced harassment and attacks by police. Later in the year, police took some steps aimed at better protecting journalists working dangerous assignments. Separately, Cartes threatened to have authorities arrest two journalists he accused of inciting violence that took place at one of the protests.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Paraguay is home to diverse religious groups that are generally able to worship freely. However, atheists report discrimination.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Although academia is generally independent, primary and secondary schools teach a pro-Colorado version of history. University politics are dominated by the Colorado Party and the PLRA, with student elections and professional advancement often dependent on party affiliation.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Citizens can for the most part engage in free and open private discussion, though the presence of armed groups in some areas may serve as a deterrent.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12

E1. Is there freedom of assembly? 3 / 4

Demonstrations and protests are common, but are sometimes repressed or marred by violence. An opposition activist was killed by police during the March and April 2017 demonstrations against the move to allow presidential reelection. Scores were arrested during the protests, with some reportedly suffering abuse by security forces while detained. Additionally, several protesters set fire to the parliament building.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 3 / 4

Paraguay has a strong culture of nongovernmental organizations (NGOs) working in the field of human rights and governance, and these are largely free from government interference. However, the government is generally unresponsive to the concerns of NGOs that scrutinize it, and does not take significant efforts to include NGOs in discussions on human rights policies.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Registration procedures for trade unions are cumbersome and employees are often unprotected from employer retaliation, and the Cartes administration had been generally hostile toward labor activism. Campesino unions, however, secured some concessions in 2017, including emergency funds approved in October to cover losses resulting from adverse weather.

F. RULE OF LAW: 7 / 16

F1. Is there an independent judiciary? 2 / 4

The judiciary is nominally independent, but money laundering, drug trafficking and other criminal operations have been able to co-opt or otherwise assert control over local judicial authorities, particularly in regions adjacent to Brazil. Politicians commonly attempt to influence judges and prosecutors.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Constitutional guarantees of due process are poorly upheld, largely due to corruption that permeates the judicial system. Individuals with political or societal influence or access to money are frequently able to obtain favorable treatment in the justice system.

In May 2017, an appeals court upheld the 2016 prison sentences against 11 campesinos involved in the deadly 2012 clash between farmers and police in Curuguaty, after landless farmers occupied private land; six officers and 11 campesinos were killed. In August, the controversial rulings, which activists say were handed down following flawed legal procedures, were brought before the Inter-American Commission on Human Rights (IACHR). Meanwhile, evictions of campesino communities continued during the year.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Paraguay is one of the region's safer countries. However, the Paraguayan People's Army (EPP), a radical socialist guerilla group, kidnapped at least two people in 2017. Gang warfare takes place along the Brazilian border. Illegal detention by police and torture during incarceration still occur. Overcrowding, unsanitary conditions, and mistreatment are serious problems in the country's prisons.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Paraguay lacks legislation protecting against all forms of discrimination. While same-sex sexual activity is legal, members of the lesbian, gay, bisexual, and transgender (LGBT) community face endemic discrimination. Indigenous people similarly face discrimination, as well as a lack of access to adequate health care. Rampant deforestation in the Chaco region and forced evictions threaten the welfare of the last indigenous Ayoreo groups in voluntary isolation; indigenous Guarani settlements are also threatened.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 10 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Freedoms of movement and travel are generally respected, though the presence of armed or criminal groups can discourage travel in some areas.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Although there are few formal restrictions on private business activity and property rights, land disputes remain a problem. Overlaps in legal titles, frequently believed to be linked to the misappropriation of public land in past years, complicate the ability of individuals to start businesses. Additionally, organized crime groups exert pressure, and the EPP has threatened, kidnapped, extorted and damaged the property of ranchers in its areas of operations. Evictions of indigenous populations from their ancestral lands are commonplace.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Women and children continue to suffer from high levels of domestic and sexual abuse. Criadazgo, or temporary adoption—in which children, generally from poor families, work without pay for families of higher income who have agreed to provide care for them—often involves the mistreatment of minors. Abortion remains illegal, as do same-sex marriage and civil unions.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Ten percent of Paraguay's population suffers from acute hunger, and around 70 percent of the country's productive land is owned by the wealthiest 3 percent of people. Social mobility is extremely limited for those born in indigenous and campesino communities, who are exposed to exploitation by landlords, employers, and political authorities. According to government figures, 76 percent of the 100,000-strong indigenous population lives in extreme poverty.

The ongoing practice of criadazgo severely limits the freedom of some 45,000 children across the country.

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