

# Paraguay | Freedom House

## POLITICAL RIGHTS: 28 / 40 (+1)

### 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. In 2017, a secretive, unconstitutional attempt by President Horacio Cartes and his allies to permit presidential reelection sparked major protests, and Cartes ultimately abandoned the initiative. The Colorado Party has held the presidency for most of the past 70 years. The election of left-wing President Fernando Lugo in 2008 broke the Colorado Party's dominance, but Lugo was removed from office in a legal, if highly controversial "express impeachment" in 2012.

The December 2017 primaries were characterized by significant political activity and spending by the major parties. However, 2018 election campaign was muted and featured fewer campaign events, with observers attributing the decreased activity to voters' frustration with corruption, and mistrust in political institutions. Mario Abdo Benítez of the Colorado Party won the presidency, taking a little over 46 percent of the vote. Efraín Alegre, the candidate of the opposition Alianza Ganar coalition, took 43 percent. While Alegre accused the electoral authority of fraud, observers including the European Union (EU) described the election as largely fair. The EU's media monitoring mission, however, noted that media outlets focused almost exclusively on the candidacies of Abdo Benítez and Alegre, and offered scant coverage to the eight other candidates in the race.

The elections were marred by reports of vote buying, and renewed claims that limitations were placed on the movement of indigenous voters in some areas ahead of the election, in apparent attempts to prevent them from voting or selling their votes.

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

The bicameral Congress consists of an 80-member Chamber of Deputies and a 45-member Senate, all elected for five-year terms. The 2018 legislative elections resulted in a majority for the Colorado Party in the Chamber of Deputies, but no party won a majority in the Senate. While monitoring missions reported some irregularities, the parliamentary polls

were considered generally competitive and credible.

**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 (TSJE) regulates electoral processes. The government has yet to implement many recommendations the previous EU election observation mission issued in 2013, including initiatives to improve the independence of the TSJE to allow for a thorough examination of campaign financing, as well as to implement a mechanism for vote recounts, which are not currently possible. Following the 2018 elections, the EU again made a series of recommendations as to how Paraguay should improve the independence and professionalism of the TSJE. A planned constitutional reform in 2019, as well as changes to the electoral code under discussion at year's end, may address some of these issues.

The 2018 EU monitoring mission also noted local authorities' failure to consistently enforce decisions made by the TSJE.

**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 the Colorado Party has been in power for most of the past 70 years. The national scene is dominated by the Colorado Party and opposition PLRA, though factions regularly depart and build different coalitions.

Several smaller parties emerged or increased their standing in the 2018 elections, including Patria Querida (PPQ), Hagamos (PPH), and Movimiento Cruzada Nacional (MCN), suggesting the grip of the two traditional parties is weakening somewhat.

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

Despite the dominance of the Colorado Party, opposition parties have a realistic chance of gaining power through elections. Lugo was able to come to power in 2008 due to a split in the Colorado Party, while a liberal-left coalition, Alianza Ganar, came close to taking the presidency in 2018. In addition, rival factions within the Colorado Party serve as a kind of internal opposition. Abdo Benítez of the conservative Colorado Añetete faction defeated the preferred candidate of former president Horacio Cartes in the Colorado Party primary in late 2017, and his administration is

already enacting shifts in some policy areas.

**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**

Citizens are generally free from undue interference in their political choices. However, there is some concern over the growing influence of Brazilian landowners in eastern regions.

Media outlets are concentrated among a handful of families, including that of former president Cartes, granting these few owners a powerful 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**

No Afro-Paraguayans or indigenous people held legislative office in 2018, although an indigenous political movement gained strength. Women held only 20 out of 125 seats in Congress in 2018, and no regional governorship was held by a woman. A gender quota law mandating 50 percent female participation on party lists for all positions was approved by the Senate in September, but vetoed by the president at the end of year with the support of lawmakers, over "inconsistencies" they said could hamper its efficacy.

**C. FUNCTIONING OF GOVERNMENT: 6 / 12 (+1)**

**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.

In 2018, Cartes attempted to extend his political influence beyond his presidential term, but was thwarted by the Senate. The Supreme Court early in the year controversially ruled that Cartes could run for a Senate seat with full voting rights. Critics said that this contravened the constitution, which states that former presidents become senators for life, but lack voting rights and may only contribute to debates. Cartes won a Senate seat in the April elections, but the Senate in June blocked his move to step down from the presidency early to take his seat; this precluded him from being sworn in, as the Constitution does not permit the president to simultaneously serve as a senator. Cartes then reluctantly withdrew his resignation.

## **C2. Are safeguards against official corruption strong and effective? 2 / 4 (+1)**

Corruption is a serious problem, and anticorruption laws have been poorly implemented. Cases often languish for years in the courts without resolution, and many offenses go unpunished due to political influence in the judiciary.

However, mass anticorruption demonstrations erupted in mid-2018, and a number of senators, deputies, and judicial officials, including some aligned with the Abdo Benítez government and the Colorado Party, resigned and were investigated and prosecuted in their wake. The resignations were in part prompted by a somewhat firmer line against corruption from the Abdo Benítez government. Among other initiatives, in September, the government scrapped the so-called *autoblindaje* law, which had taken effect just weeks earlier, in July; the law had raised the number of legislative votes necessary to remove a congressperson from their seat for corruption or other violations two a two-thirds majority, up from the simple majority mandated by the Constitution.

Additionally, in September 2018, the Health Ministry announced that an apparently wide-reaching corruption scandal within the health service involving the irregular purchase of vast quantities of medicines had been uncovered, and was reported to prosecutors.

*Score Change: The score improved from 1 to 2 because the government's efforts to investigate and prosecute a number of corrupt officials, and its move to scrap a law that had made it more difficult to remove corrupt lawmakers, reflected greater resolve to tackle corruption.*

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

Government transparency, especially in public administration, is gradually improving, and the effective implementation of access to information laws has bolstered investigative journalism. Citizens are showing an increasing intolerance for corruption and opaque government. This was reflected in the anticorruption demonstrations of 2018, as well as the large-scale 2017 protests against a secretive, ultimately unsuccessful attempt by the Cartes government and allied sectors of opposition parties to change the constitution to allow presidential reelection.

# **CIVIL LIBERTIES: 37 / 60**

## **D. FREEDOM OF EXPRESSION AND BELIEF: 12 / 16**

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

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

In March 2018, a journalist who released a series of audio tapes incriminating Colorado Party congressmen in corruption cases faced aggressive questioning by prosecutors and was asked to reveal her sources, provoking expressions of concern from press freedom organizations.

**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.

**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 can 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.

Sustained anticorruption protests in 2018 proceeded without interference, and prompted the resignation of several notoriously corrupt legislators.

**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 largely free nongovernmental organizations (NGOs) working in the field of human rights and governance. However, the government is generally unresponsive to the concerns of NGOs that scrutinize it.

**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. However, labor activism was nevertheless robust in 2018. In August, workers protested the creation of a new pensions regulatory body; the same month, workers occupied the water utility Essap, over the entity's delay in appointing a new president.

## **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. The Supreme Court's 2018 ruling to permit Cartes to run for a Senate seat prompted some criticism.

### **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 influence or access to money are frequently able to obtain favorable treatment in the justice system.

In July 2018, the Supreme Court acquitted 11 peasant farmers, *campesinos*, and directed the release of four still in prison who were accused of perpetrating a deadly 2012 clash between farmers and police in Curuguaty, in which 6 officers and 11 *campesinos* were killed. The original trial was beset with irregularities, and Amnesty International hailed the decision as a "victory for human rights." However, the deaths of *campesinos* at Curuguaty are yet to be investigated.

### **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 guerilla group, is still active in the northeast. 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 prisons.

The Abdo Benítez administration took steps to rein in the Grupo Lince, a rapid-reaction police force created in 2017 to tackle urban crime, but which has been criticized for heavy-handed arrests and inspections. For example, the administration drastically cut the group's funding, and mandated that agents wear identifying badges and keep their faces visible. The efforts were unpopular with much of the public, and reduced activity by the group was widely blamed for an apparent uptick in violent crime. In September, authorities announced the restoration of the group's funding.

**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 LGBT (lesbian, gay, bisexual, and transgender) community face endemic discrimination. Indigenous people similarly face discrimination and lack access to adequate health care. Rampant deforestation and forced evictions threaten the last indigenous Ayoreo groups in voluntary isolation and indigenous Guaraní settlements.

**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 is 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, often linked to historic misappropriation of public land, remain a problem. Additionally, the EPP has threatened, kidnapped, and extorted ranchers in its areas of operations. Evictions of indigenous populations from their ancestral lands are commonplace. Separately, in 2018, Amnesty International warned of judicial persecution and threats of renewed violent eviction against campesino communities, notably at Guahory in eastern Paraguay.

**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. 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**

Government statistics for 2017 suggested that 4.4 percent of the population lives in extreme poverty, and 26.4 percent lives in poverty, although both figures have fallen slightly in recent years. Indigenous populations are particularly affected by poverty. Income inequality is a serious problem and social mobility is extremely limited. A 2016 Oxfam report said 70 percent of agricultural land is owned by just 1 percent of farms. In 2018, media reports called attention to forced labor in the cattle farming industry in the Chaco, and the UN Special Rapporteur on contemporary forms of

slavery also highlighted the serious issue of forced labor in the region.

The ongoing illegal practice of *criadazgo*—or temporary adoption in which children, generally from poor families, work without pay for families of higher income—severely limits the freedom of roughly 47,000 children across the country.