

## **PARAGUAY: AN ATMOSPHERE OF RESTRICTION IS PRESENT**

### **Executive summary**

During the period covered by this report, the situation of freedom of expression and the press deteriorated in Paraguay. This situation intensifies during election periods. There were limitations on access to public information as well as reports of cases of violence against journalists both during elections and in the context of the post-election demonstrations. The atmosphere of restriction intensifies through the violence against journalists, with two homicides recorded during the period surveyed, which highlights the lack of security for those who practice journalism in the country. In addition, there are documented issues of impunity in cases of violence against journalists.

### **Introduction**

Given the current context in Paraguay, it is important to note that this report focuses on the final lapse of the term of former President Mario Abdo Benítez (2018 -2023). Throughout his administration, as previous reports indicate, freedom of expression was affected by an array of political crises, accusations of corruption and a series of actions that weakened institutions and undermined the rule of law. From a political perspective, it is relevant to note that this last period was marked by an intense electoral environment, ranging from internal party elections to general elections for president and parliament members.

The electoral framework concluded with the presidential elections of April 30, 2023, which resulted in a resounding victory for the National Republican Association (Asociación Nacional Republicana), also known as the "Colorado Party" (Partido Colorado), which has been in government since 2013 and, prior to that, except for the period 2008-2013, ruled the nation for sixty continuous years (France 24, 2018). In those elections, the economist Santiago Peña, who was a fierce critic of Abdo's administration and was part of the opposition lines within the same party, emerged as winner (TSJE, 2023). It should be noted that Peña had the political support of Horacio Cartes, former president of the Republic (2013-2018) and current president of the Colorado Party following the party's internal election (La Nación, 2022).

The electoral environment was also strongly marked by accusations made by the US State Department. On July 22, 2022, the United States accused former Paraguayan President, Horacio Manuel Cartes Jara of being involved in corruption (US State Department, 2022). Then, on August 12, 2022, the United States pointed the finger at then Vice President Hugo Velázquez (US State Department, 2022), who was also campaigning for the presidency and was forced to withdraw following said accusations. On January 26, 2023 the Office of Foreign Assets Control (OFAC) of the US Treasury Department sanctioned both politicians (US State Department, 2023).

Alternatively, before the elections, on September 29, 2022, within the premises of the Superior Court of Electoral Justice there was a fire of great proportions. One person died and more than 8,500 voting machines were affected as a result of the spread of the fire (ABC Color, 2022). The Attorney General's Office concluded that it was an accidental fire (Última Hora, 2022).

Election day was polluted by a series of incidents that created an atmosphere of distrust, with accusations of fraud (OAS, 2023). There were also limitations on the access to public information. Cases of violence against journalists were also reported, both during the elections and during the demonstrations that followed them (Página12, 2023).

In general terms, throughout the period covered by this report, there were incidents of violence and aggressions against communicators during the exercise of their professional work (Mesa para la Seguridad de Periodistas del Paraguay).

At the international level, on November 15, 2022 the Inter-American Court of Human Rights (IACHR) ruled upon the case of Santiago Leguizamón Zaván and his family against the Republic of Paraguay. In this ruling, the Court determined that the government is responsible for not undertaking adequate preventive measures in relation to the 1991 murder of journalist Santiago Leguizamón Zaván, which resulted in the violation of his fundamental rights, including the right to life and freedom of expression.

In addition, the Court emphasized that the government did not carry out a thorough investigation of Leguizamón's murder and did not guarantee access to justice and reparations for his family. As a result, the Court ordered the government of Paraguay to carry out a series of measures of reparation, which include the investigation and punishment of those responsible for the murder, the provision of full reparation to the family, as well as the adoption of measures aimed at preventing the occurrence of similar events in the future (IACHR Court, 2022).

In relation to the table showing the incidence of some modes of aggressions against journalists in Paraguay during the period from August 2, 2022 to August 1, 2023, it can be summarized that:

- Homicide: during this period, two cases of homicide of journalists were reported, perpetrated by unknown individuals.
- Forced disappearance/kidnapping: the kidnapping of a journalist was documented.
- Attacks/threats: twenty-two incidents of aggressions or threats against journalists were recorded.
- Attacks on the media: one attack on a media outlet was recorded.
- Liability rulings for violations of freedom of expression: no liability rulings were recorded.
- Internal forced displacement: one case of internal forced displacement was recorded.
- External forced displacement: one case of external forced displacement was recorded during this period.

### **Analysis of results: an increase of the climate of restriction and the risks to the exercise of freedom of expression.**

According to the data provided, Paraguay has experienced a decline in the Chapultepec Index score, moving from 8th to 9th place among the twenty-two countries evaluated. Its score

has decreased from 66.25 to 51.63 out of one hundred during the period analyzed, thus placing it for the first time in the "restriction" area.

This ranking and score decline indicates that the situation of freedom of the press and the practice of journalism in Paraguay has worsened during this period. The data, contrasted with the actions that have been documented for this report, suggest that there is an environment where journalists may encounter significant risks to their safety, freedom, and independence.

As an example of the above, two murders have been registered during this period. On September 6, 2022, Humberto Coronel, journalist of *Radio Amambay/Mbykymi Noticias*, was the victim of an attack in Pedro Juan Caballero, department of Amambay (Mesa para la Seguridad de Periodistas del Paraguay, n.d.). Previously, Coronel and his colleague, Gustavo Báez, had received threats on June 10, 2022, which resulted in the provision of permanent police protection as directed by the Public Prosecutor, Sandra Cecilia Díaz, from the day after the threats were reported (Mesa para la Seguridad de Periodistas del Paraguay, n.d.).

Despite the presence of two police officers on the scene, the assassins managed to kill Humberto Coronel. Commissioner Rubén Paredes revealed that the journalist had refused police custody, choosing to take personal charge of the situation (Mesa para la Seguridad de Periodistas del Paraguay, n.d.).

On February 14, 2023, journalist Alexander Álvarez was murdered in Pedro Juan Caballero, department of Amambay. He was driving his vehicle with his brother when they were intercepted at a traffic light in the city center by two people on a motorcycle. The assassins shot and killed the journalist (Mesa para la Seguridad de Periodistas del Paraguay, n.d.).

According to the information offered, there had been no previous threats against Álvarez. Álvarez did not even reported on topics related to drug trafficking or organized crime, either. One theory is that the assassins could have mistaken the target, since Álvarez had recently acquired the vehicle driven by another journalist and fellow broadcaster, Rubén Valdez (Mesa para la Seguridad de Periodistas del Paraguay, n.d.).

The Department of Amambay is labeled as a "Silenced Zone" by the Office of the Special Rapporteur for Freedom of Expression (2017).

According to statistics from the Paraguayan Roundtable for the Safety of Journalists (Mesa para la Seguridad de Periodistas del Paraguay n.d.) and the Paraguayan Union of Journalists (Sindicato de Periodistas del Paraguay, SPP), this tragic event brings to twenty-one the number of journalists murdered in the last 32 years of the democratic era in the country. Nine of these murders occurred in Amambay.

Paraguay's Roundtable for the Safety of Journalists has listed and documented these types of restrictions on the practice of journalism. However, it is still in need of institutional strengthening, an obligation that is also noticeable with the decision of the Inter-American Court of Human Rights in the case of Santiago Leguizamón vs. Paraguay. Furthermore, the Roundtable lacks its own budget to carry out its work effectively.

### **On environments: insufficient improvements in guaranteeing greater freedom of expression**

Based on the data provided and the scales of influence, the results suggest that all environments (legislative, judicial and executive) bear a "moderate" negative influence on

freedom of expression in Paraguay. Both the Legislative and Judicial environments have a similar degree of unfavorable influence, with values of 2.93 and 2.88 respectively. However, the executive environment seems to have a slightly higher unfavorable influence (3.07) compared to the other two environments.

When compared, it is worth recalling that, during the period surveyed in 2022, the judicial and executive environments were rated with moderate influence, with values of 2.89 and 2.55, respectively, while the legislative environment exhibits a slight influence of 2.04. However, in 2023, the influence values of the legislative and executive environments are slightly higher, indicating a more unfavorable context.

Regarding the improvements documented, the enactment of Law 7089 on Conflict of Interest (Ley 7089 de Conflicto de Intereses) on April 26, 2023, was registered. This law establishes the regime for the prevention, correction, and sanctioning of conflicts of interest in the public service. A relevant point of the law is that the presentation of the sworn statement of interests must be public and freely accessible to the citizenry (BACN, 2023).

On September 29, 2022, the Administrative Procedures Law (Ley de Procedimientos Administrativos) entered into force. This law also enshrines principles of transparency and access to information (BACN, 2021).

On April 26, 2023, the Union of Journalists of Paraguay (SPP) presented a bill for the creation of a protection mechanism for journalists, in collaboration with the Human Rights Coordinator of Paraguay (Codehupy, 2023). However, no further progress was made on this project.

## **Realm A: informed citizenship and free to express themselves**

In 2022, the score on this realm was 14.5 out of 23.0, whereas this figure decreased to 11.71 out of 23.0 in 2023. People's ability to access information declined in 2023. This suggests that there are obstructions when accessing public information.

Data from the Unified Public Information Portal (Portal Unificado de Información Pública) show that there is yet a similar trend about the exercise of the right of access to information. In the period between August 2020 and August 2021, there were a total of 11,126 requests recorded with a 72.8% of favorable responses. In the period between August 2021 and August 2022, there were 13,146 requests registered with a response rate of 74.5%. In this survey's period, a similar percentage was recorded with 13,252 requests and 71.9 % of favorable response rate. The data reflect a decrease in the number of positive responses by 2.6 %.

As documented in previous reports, there are other cases that register administrative silence, out-of-time responses, unattended or untimely revisits, lack of information, among others (Unified Public Information Portal, n.d.).

Likewise, as mentioned in previous reports, a negative pattern has been observed concerning the quality of the responses related to access to information by most of the regulated institutions. These are usually inconsistent, incomplete, of low quality or inaccessible.

As for court cases, during the period covered by this report, the number of legal actions that were filed to obtain public information decreased compared to the previous year. According to data from the Supreme Court of Justice website (Corte Suprema de Justicia - Poder Judicial, n.d.), between August 2022 and August 2023, at least sixteen cases were filed. From August 2021 to August 2022, at least nineteen court cases were filed to obtain public information, a fact

that represented a slight decrease in relation to the cases filed in the 2020-2021 period (twenty-four cases). As mentioned above, of the total number of non-compliance cases, access to justice remains rare.

In the context of access to public information within the framework of the general elections, after the elections there were strong allegations of alleged fraud. In this line, representatives of the opposition tried to access the so-called "envelope 4" (sobre 4) containing the number of ballots, which is sent to the Superior Court of Electoral Justice. Reportedly, the latter rebutted this information as the electoral law would enforce the obligation to safeguard such documents (ABC Color, 2023; La Tribuna, 2023).

As for the legislative environment (2.07), it went within the mild restriction range, but the score given suggests that, at times, the general public may encounter difficulties to access complete information and to express themselves freely. This could translate into the existence of certain restrictions with regards to freedom of expression and limited access to truthful and objective information.

Regarding the judicial environment (2.64), a moderate level of restriction was observed. This result suggests a trend of insufficient protection by the Judiciary. This situation could point to circumstances related to the independence of the Judiciary and its ability to safeguard and promote fundamental rights.

As for the executive environment (2.50), a slight restriction was recorded. The score suggests that, at times, considerable challenges may arise for citizens concerning access to information and freedom of expression. This could be linked to government policies that are perceived as restrictive in respect of information flow or public expression.

In relation to the sub-realm "Flow of information", where the theoretical maximum is 11.00, the number recorded was 5.57. This suggests a negative assessment, as the estimate is placed at a low level, indicating the presence of significant restrictions in the availability of information.

Regarding the sub-realm "Free expression", where the theoretical maximum is 12.00, the index attained a value of 5.71. This assessment points to a low level, which suggests the existence of significant restrictions on people's ability to express their opinions freely.

## **Realm B: the practice of journalism**

Paraguay recorded an actual index of 6.29 out of a theoretical maximum of 10.00 in this realm, which focuses on the practice of journalism. In 2022, the country was given a score of 8.0 out of 10.0. This rating reflects a substantially low and falling level, indicating that journalists in Paraguay experience considerable obstacles in practicing their profession freely and without restrictions.

In the legislative environment (2.71), with a moderate influence, a view is perceived in which journalists face challenges to exercise their profession in a free and unrestricted manner; this could suggest the existence of laws or regulations that limit freedom of the press.

The highest score in this realm with respect to the judicial environment (5.00) displays a moderate influence. This suggests that journalists face greater challenges in this environment. On its part, the executive environment, with 3.86, displays a moderate influence, offers challenges for the practice of journalism, which could be related to government policies that affect freedom of the press and the independence of the media.

In general, these values indicate that realm B shows significant variability in Paraguay, with the judicial environment standing out as the one where journalists face the greatest obstacles. However, both the legislative and executive environments pose challenges for the practice of journalism, which underscores the importance of guaranteeing the independence of the media and the protection of freedom of the press in the country.

### **Realm C: violence and impunity**

Realm C focuses on the presence of violence and impunity in relation to freedom of expression and the practice of journalism. The values indicate that this realm raises significant concern among all the environments evaluated in Paraguay. In 2022, the score was 23.7 out of 42.0. In 2023, the score decreased to 15.20 out of 42.0.

In the legislative environment (4.81), a moderate influence is observed. It is worth recalling that, at the culmination of this report, no legislative projects for the protection of journalists have been proposed. Although with a slightly lower score than the legislative environment, the judicial environment, with 3.48, (moderate influence) still raises concerns. This could indicate that impunity in relation to violence against journalists may be a persistent challenge in the judicial system. Finally, the executive environment with a moderate influence (4.48), suggests the presence of a structure with lack of concrete actions from the executive branch.

In general, these values indicate that realm C represents serious concern in Paraguay with regards to violence and impunity in connection to freedom of expression and the exercise of journalism. These problems can have a negative impact on the safety and freedom of journalists, as they underscore the importance of taking measures to ensure the protection and respect for the rights of the press in the country.

Related to the "Protection" subrealm, we note that the actual index is 1.36, well below the theoretical maximum of 5.00. This low score suggests a significant lack of adequate measures to ensure the safety of journalists.

Regarding "Persecution", the actual index reaches 2.79, again well below the theoretical maximum of 7.50. This indicates the existence of problems related to intimidation and retaliation against journalists.

"Impunity", with a clear index of only 1.00 compared to a theoretical maximum of 8.50, emerges as a serious problem, suggesting that those responsible for violence rarely face legal consequences.

Finally, the number of violent actions registered reaches a real index of 10.06, compared to a theoretical maximum of 21.00. This significant figure reveals a dangerous environment where journalists are exposed to a considerable number of violent actions.

The decline in this realm's score between 2022 and 2023 suggests a growing concern about violence and impunity in relation to freedom of expression and journalism in Paraguay.

### **Realm D: media control**

In 2022, Paraguay scored 20.0 out of 25.0 in this realm. In 2023, the score decreased slightly to 18.86 out of 25.0.



Paraguay shows relatively low figures in all the areas evaluated in this realm. A slight influence is evident in the legislative environment (1.07). This suggests that control of the media through laws and regulations is relatively low. Likewise, in both the judicial environment (1.14) and the executive environment (1.14), similar scores and a slight influence can be observed. This indicates that, from a judicial and governmental perspective, control of the media is limited and decisions in relation to media regulation are not particularly restrictive.

Both "Direct Control" (13.71, out of 19.00) and "Indirect Control" (5.14 out of 6.00) exhibit scores that do not reflect significant influence over the media in terms of ownership and regulation.

However, in Paraguay, media concentration has been a continuous concern over time, given that a few business groups own several media outlets (Última Hora, 2017). Over the years, there has been little action by the government to address this issue. The diversification of platforms to exercise freedom of expression, the increasing use of social networks, and the emergence of independent alternative media may partly explain the limited negative influence on these issues.

## Conclusions

The data indicates that the situation of freedom of expression in Paraguay deteriorated in 2023 compared to 2022, as reflected by the increase in the negative influence of the environments, a decrease in the score of the realm of violence and impunity; and in the access to information and exercise of journalism.

This situation reveals a worrisome situation in Paraguay. Citizens face restrictions on information and expression, journalists face obstacles to their work, violence and impunity are serious problems, and control of the media is noteworthy.

In conclusion, the situation of freedom of expression and freedom of the press in Paraguay is characterized by a series of challenges and concerns that have a significant impact on the exercise of these fundamental rights. The political context and social realities in the country have generated complex dynamics where extreme violence against journalists has worsened in areas classified as "silenced". This reflects the vulnerability of media professionals in certain regions in the country.

The results and collected data indicate that the climate of freedom of expression has deteriorated in Paraguay, especially during electoral days, when political tensions and hostility towards the press have been observed. This represents a significant obstacle to the exercise of independent journalism and the dissemination of precise and critical information.

Although access to information continues to be a constant right, there has been a decrease in the number of requests responded by the authorities, as well as a decline in the quality of the responses provided by the regulated institutions. Despite the political importance assigned to the issue of freedom of expression, this does not necessarily guarantee that the authorities fully respect this right. This raises questions about the government's real commitment in this respect.

Moreover, the persistence of a climate of impunity in relation to crimes and attacks against journalists is a cause for serious concern, as it immediately results in self-censorship. It is essential to move forward towards the implementation of more concrete and effective protection mechanisms to guarantee the safety of journalists and allow them to carry out their work freely and without fear of retaliation.

## References

ABC Color. (2023, May 17). *Abogados de la oposición solicitan medida cautelar de urgencia para apertura de sobre N° 4*. ABC Color. <https://www.abc.com.py/politica/2023/05/17/abogados-de-la-oposicion-solicitan-medida-cautelar-de-urgencia-para-apertura-de-sobre-n-4/>

Biblioteca y Archivo del Congreso Nacional del Paraguay (BACN). (2021). *Ley N° 6715 De Procedimientos administrativos*. <https://www.bacn.gov.py/leyes-paraguayas/10974/ley-n-6715-procedimientos-administrativos>

Biblioteca y Archivo del Congreso Nacional del Paraguay (BACN). (2023). *Ley N° 7089 Que Establece el régimen de prevención, corrección y sanción de conflictos de intereses en la función pública*. <https://www.bacn.gov.py/leyes-paraguayas/11463/ley-n-7089-establece-el-regimen-de-prevencion-correccion-y-sancion-de-conflictos-de-intereses-en-la-funcion-publica>

Coordinadora de Derechos Humanos del Paraguay (Codehupy). (2023, April 26). *En el Día del Periodista presentarán Proyecto de Ley de Protección y Seguridad de Periodistas y Personas Defensoras de Derechos Humanos*. <https://www.codehupy.org.py/en-el-dia-del-periodista-presentaran-proyecto-de-ley-de-proteccion-y-seguridad-de-periodistas-y-personas-defensoras-de-derechos-humanos/>

Corte Interamericana de Derechos Humanos (Corte IDH). (2022). *Caso Santiago Leguizamón y otros vs. Paraguay*. Sentencia de 15 de noviembre de 2022. [https://www.corteidh.or.cr/docs/casos/articulos/resumen\\_473\\_esp.pdf](https://www.corteidh.or.cr/docs/casos/articulos/resumen_473_esp.pdf)

Corte Interamericana de Derechos Humanos (Corte IDH). (2022). *Paraguay es responsable por el Homicidio del periodista Santiago Leguizamón*. [https://corteidh.or.cr/docs/comunicados/cp\\_103\\_2022.pdf](https://corteidh.or.cr/docs/comunicados/cp_103_2022.pdf)

France 24. (2018, August 15). *Historia - La hegemonía del Partido Colorado en la historia de Paraguay*. France 24. <https://www.france24.com/es/20180815-historia-paraguay-partido-colorado-benitez>

Índice de Chapultepec. (2022). *Índice por País*. Índice de Chapultepec. <https://www.indicedechapultepec.com/indice/7/graficos.pdf>

La Nación. (2022, December 18). *Horacio Cartes, líder de Honor Colorado, electo presidente de la Junta de Gobierno de la ANR*. La Nación. <https://www.lanacion.com.py/politica/2022/12/18/horacio-cartes-lider-de-honor-colorado-electo-presidente-de-la-junta-de-gobierno-de-la-anr/>

La Tribuna. (2023, May 18). *Rechazan pedido de apertura del sobre 4*. La Tribuna. <https://www.latribuna.com.py/elecciones-2023/19908-rechazan-pedido-de-apertura-del-sobre-4>

Mesa para la Seguridad de Periodistas. (n.d.). *Asesinatos*. Mesa para la Seguridad de Periodistas. <https://seguridadperiodistas.org.py/asesinatos/>

Mesa para la Seguridad de Periodistas. (n.d.). *Interacción para la protección Paraguay*. Mesa para la Seguridad de Periodistas. <https://seguridadperiodistas.org.py>



Organización de los Estados Americanos (OEA). (2023). *Informe Preliminar sobre la Situación en Paraguay*. OEA <https://www.oas.org/fpdb/press/Informe-Preliminar-Paraguay-2023.pdf>

Página 12. (2023, May 3). *Paraguay: 80 detenidos tras las protestas de seguidores de Payo Cubas*. Página 12. <https://www.pagina12.com.ar/545555-paraguay-80-detenidos-tras-las-protestas-de-seguidores-de-pa>

Relatoría Especial para la Libertad de Expresión de la Comisión Interamericana de Derechos Humanos. (2017). *Zonas silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión*. Relatoría Especial para la Libertad de Expresión de la Comisión Interamericana de Derechos Humanos. [http://www.oas.org/es/cidh/expresion/docs/publicaciones/zonas\\_silenciadas\\_esp.pdf](http://www.oas.org/es/cidh/expresion/docs/publicaciones/zonas_silenciadas_esp.pdf)

Tribunal Superior de Justicia Electoral (TSJE). (2023). *TSJE declara y proclama a candidatos electos de las Elecciones Nacionales*. TSJE. <https://www.tsje.gov.py/noticias/leer/10577-tsje-declara-y-proclama-a-candidatos-electos-de-las-elecciones-nacionales.html>

U.S. Department of State. (2002, July 22). *Designación del expresidente paraguayo Horacio Manuel Cartes Jara por participación en corrupción significativa*. U.S. Department of State. <https://py.usembassy.gov/es/designacion-del-expresidente-paraguayo-horacio-manuel-cartes-jara-por-participacion-en-corrupcion-significativa/>

U.S. Department of State. (2022, August 12). *Designación del vicepresidente de Paraguay Hugo Velázquez y del asesor jurídico de la EBY Juan Carlos Duarte por corrupción significativa*. U.S. Department of State. <https://py.usembassy.gov/es/designacion-del-vicepresidente-de-paraguay-hugo-velazquez-y-del-asesor-juridico-de-la-eby-juan-carlos-duarte-por-corrupcion-significativa/>

Última Hora. (2017, June 5). *Tomamos nota sobre la cantidad de medios que tiene el propio presidente*. Última Hora. <https://www.ultimahora.com/tomamos-nota-la-cantidad-medios-que-tiene-el-propio-presidente-n1089437>

Última Hora. (2022, September 29). *Incendio en TSJE: Declaran emergencia mayor y bomberos piden apoyo*. Última Hora. <https://www.ultimahora.com/incendio-deposito-del-tsje-fue-accidental-concluye-pericia-n3036582>

