



PRELIMINARY STATEMENT

Well-organised elections with challenges ahead

Asunción, 4 May 2023

This preliminary statement of the EU election observation mission (EU EOM) is delivered before the completion of the entire electoral process. Critical stages remain, including tabulation of results and adjudication of petitions. The EU EOM is now only in a position to comment on observation undertaken to date, and will later publish a final report, including full analysis and recommendations for future improvements of the electoral processes.

Summary

- On 30 April, Paraguayans elected the president and vice-president, members of Congress, governors, and members of the departmental assemblies. A total of 9,092 candidates participated in the elections, with 13 candidates and their respective deputies contesting the presidential office. The participation of women candidates was around 30 per cent for Congress, 35 per cent for departmental assemblies, but only 13 per cent for governors. Only one woman competed for the presidential office and six for vice-president.
- The elections took place in a highly polarised environment where distrust in state institutions and political structures prevailed. Serious corruption allegations involving high-level officials marked the campaign narrative as well as widespread concerns over the growing influence of organised crime and drug trafficking in politics. Recent appointments to key state institutions – Superior Tribunal of Electoral Justice (TSJE), the Public Prosecutor and the Supreme Court – increased public confidence in more accountable institutions.
- The EU EOM assessed the overall conduct of polling operations as good or very good in 94 per cent of the observed polling stations and described the process as transparent. The layout in most observed polling stations largely ensured the secrecy of the vote. Voting machines were generally functioning without any issues in most polling stations. Isolated cases of minor technical problems were resolved promptly. EU observers reported cases where assisted voting took place contrary to legal provisions in 19 per cent of the polling stations visited. These cases included voters being assisted without a visible disability and party representatives assisting voters. Polling stations visited were comprised of 38 per cent of ANR and 38 per cent of PLRA, and 20 per cent of *Frente Guasú*.
- In 19 per cent of observed polling stations, EU observers reported illegal activities within the 200-meter perimeter. These included campaign material and activities and presence of party stands. Organised transportation of voters was also observed. The EU EOM directly observed seven cases of vote buying and five cases of indications of vote buying.
- In the absence of a wider legislative reform, amendments were introduced to the legal framework governing elections, addressing some of the shortcomings identified by previous EU EOMs. These include the removal of some of the unreasonable criteria for disqualification of voters and the introduction of new campaign financing provisions, aimed at increasing accountability and applicable to primaries. Nevertheless, other important issues, such as measures for women’s political participation, an adequate legal framework for national election observers and the decriminalisation of defamation in favour of civil laws in line with international standards on freedom of expression and media remain unaddressed.

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- The election administration at central level, the TSJE, demonstrated professionalism and transparency in handling the election process. Political parties had access to all stages of the preparations and could present their concerns to the electoral authorities. Most concerns were addressed; however, questions related to technical aspects of the election technology were, at times, left unanswered.
 - Challenges to the impartiality of three judges of the Electoral Courts were submitted, based on confirmed close family ties with high-level officials and candidates of the *ANR - Partido Colorado*. The TSJE found that those were not sufficient reasons to dismiss them. A total of 12 out of the 30 posts for Electoral Tribunal magistrates were vacant due to retirement of the incumbents. The TSJE appointed as interim magistrates some of the judges of the Electoral Courts and magistrates from other Electoral Tribunals. As these Tribunals are responsible for the official tabulation of results, the TSJE issued a resolution establishing more flexible procedures to ensure tabulation could be initiated without the presence of the three magistrates at the same time.
 - Traditional campaign activities remained low-key throughout the entire campaign period and largely devoid of policy proposals. EU observers attended 92 small campaign events, mostly small, throughout the country. Fundamental freedoms were generally respected, and candidates could campaign without restrictions. The high costs involved in campaigning in both the primary and general elections made candidates resort to minor campaign events and social media. Most interlocutors claimed to be disappointed by the effects of the adoption of the preferential vote, given that the competition between candidates of the same list individualised the campaign and contributed to the disappearance of a party platform or a party manifesto to refer to whilst canvassing.
 - The campaign in social media has also been lacklustre. More than half of the social media posts by candidates merely showed footage or photos of their campaign events or details of their personal lives. Almost none of the candidates competing in the presidential and senatorial races engaged in offensive discourse against their competitors through their official social media accounts. The notable exception was presidential candidate Paraguayo Cubas, who made several derogatory comments towards his opponents. The amount of paid political advertising on social media networks owned by Meta Platforms Inc. varied substantially between presidential candidates, with Santiago Peña spending two and a half times more than Efraín Alegre.
 - Despite the significant number of media organisations in the country, private ownership is concentrated in three main media groups, each with clear political editorial lines dominating the media landscape. While *Nación Media Group (La Nación)* and *Canal Trece* were highly critical of the *Concertación* candidates, with most of their coverage using a negative tone, *Zuccolillo (ABC Color and ABC Cardinal)* used a negative tone towards the *ANR – Partido Colorado* candidates. The *Vierci Groups* television channels (*SNT* and *Telefuturo*) provided a more balanced coverage of contestants.
 - Two organisations, *Alma Cívica* and *Decidamos*, requested accreditation of national observers from the TSJE, but were refused. *Decidamos* saw its request rejected due to the interpretation of the TSJE that election observation missions should not carry out a quick count. The EU EOM highlights the fact that *Decidamos* could not officially participate in the electoral process, which undermined the full engagement of civil society in the electoral process. The regulation on national observation fails to provide an expeditious mechanism for appealing TSJE decisions concerning refusal of accreditation.

The European Union Election Observation Mission (EU EOM) has been present in Paraguay since 13 March 2023, following an invitation from the government of Paraguay and the Superior Tribunal for Electoral Justice. The Mission is led by Chief Observer Gabriel Mato, Member of the European Parliament. In total, the EU EOM deployed 124 observers from 26 EU Member States, Canada and Norway across the country to assess the whole electoral process against international obligations and commitments for democratic elections, as well as the laws of Paraguay. A delegation of the European Parliament, headed by Jordi Cañas MEP, also joined the mission, and fully endorses this Statement. The EU EOM is independent in its findings and conclusions, and adheres to the Declaration of Principles for International Election Observation, endorsed at the United Nations in October 2005.

Preliminary Findings

Background

On 30 April, Paraguayans elected the president and vice-president, members of Congress (Senate and Chamber of Deputies), 17 governors and members of 17 departmental assemblies. A total of 42 political organisations, represented by 9,092 candidates, participated in the elections with 13 candidates and their respective deputies contesting the presidential office.

The elections took place in a highly polarised environment, where distrust in state institutions and political structures prevailed. Serious corruption allegations involving high-level officials marked the campaign narrative as well as widespread concerns over the growing influence of organised crime and drug trafficking in politics. Recent appointments to key state institutions were welcomed by the public, aiming for more accountable institutions. This was initiated with the appointment of two new ministers to the TSJE, both with well-respected backgrounds, as well as the appointments of the Public Prosecutor and of one minister to the Supreme Court.

Legal Framework and Electoral System

In the absence of a wider legislative reform, amendments were recently introduced to the legal framework governing elections,¹ addressing some of the shortcomings identified by previous EU EOMs. These include the removal of unreasonable criteria for the disqualification of voters,² the introduction of new campaign financing provisions aimed at increasing accountability and applicable to primaries, the inclusion of the legal figure of coalitions (*concertaciones*) in the Law on Political Finance and the introduction into the law of the right to vote for Paraguayans living abroad, previously absent from the legislation.³ Nevertheless, other important issues, such as measures to facilitate women's political participation, an adequate legal framework governing the participation of national election observers, and the decriminalisation of defamation in favour of civil laws in line with international standards on freedom of expression and media remain unaddressed.

Part of the legal framework also comprises regulations issued by the TSJE, further detailing procedures and specific aspects of the electoral process. However, dissemination of some of these regulations came at times late in the process, such as the ones regulating the auditing of

¹ Elections are governed by provisions set out in the 1992 Constitution, the Electoral Code and other dispersed legislation: the Law on Electoral Justice (635/1995), the Law on Coalitions - *Concertaciones* (3212/2007), the Law on Departmental Government (426/1994), the Law on Permanent Voter Register (772/1995 and amendments 5583/2016, 6951/2022), the Law on Political Financing (4743/2012 and amendments 6167/2018 and 6501/2020). Some other applicable provisions may be found in the Criminal Code, the Civil Code, the Civil Procedural Code and the Law on Free Citizen Access to Public Information and Government Transparency (5282/2014).

² Law 6971/2022 eliminated the disqualification of hearing and speech impaired citizens who cannot make themselves understood, and non-convicted prisoners.

³ Amendments were introduced by Laws 6167/2018, 6501/2020, 6951/2022.

polling station materials and the tabulation of election results, providing limited time for political actors to be familiar with provisions.

An amendment to the electoral system was approved in 2019 with the support of the majority of political parties, introducing what is referred to as preferential voting, consisting of open party lists to both chambers of Congress and departmental assembly elections. Voters chose not only the political organisation, but also the candidate of their preference within the list. Most interlocutors claimed to be disappointed by the effects of the adoption of the preferential vote. Initially envisioned to tackle the presence of candidates with corrupt backgrounds, it was perceived as giving an advantage to candidates with significant financial resources to campaign.

Electoral Administration

The administration of elections falls under the responsibility of the Superior Tribunal of Electoral Justice - *Tribunal Superior de Justicia Electoral* (TSJE) and its lower levels: 10 Electoral Tribunals (*Tribunales Electorales*) and 17 Electoral Courts (*Juzgados Electorales*). The Supreme Court serves as the highest appellate body for decisions of the TSJE, and the Public Prosecutor office deals with all electoral offences. The EU EOM experienced an excellent level of cooperation and access to information from all state institutions, including at lower levels, of electoral tribunals and electoral courts.

The election administration at central level demonstrated professionalism and transparency in handling the election process. Political parties had access to all stages of the preparations and could present their concerns to the electoral authorities. Since mid-March, the TSJE conducted auditing exercises (*auditoria*) of the voting and transmission of results technology used for elections. These were detailed presentations to political parties' representatives with technical expertise on election technology, rather than a real audit of the system. Most political parties had their concerns addressed and showed a satisfactory level of confidence in the election technology used. Nevertheless, *Cruzada Nacional* remained with some of their concerns unaddressed by the TSJE, namely the possibility of a real audit of the software of the voting machines.

Challenges to the impartiality of three judges of the Electoral Courts were submitted, based on confirmed close family ties with high-level officials of the *ANR - Partido Colorado*. While one of these judges resigned, the others remained in office, as the TSJE found that those were not sufficient reasons to dismiss them.

A total of 12 out of the 30 posts for Electoral Tribunal magistrates were vacant due to their retirement. The TSJE appointed as interim magistrates some of the judges of the Electoral Courts and magistrates of other Electoral Tribunals, who sat in both bodies at the same time. This had little impact for the preparation of election day. As these Tribunals are responsible for the official tabulation of results, the TSJE issued a resolution establishing more flexible procedures to ensure tabulation could be initiated without the presence of the three magistrates at the same time.

Voter Registration

The voter register enjoys broad public confidence. A total of 4,782,940 voters were registered to participate in the elections. Women represented 49 per cent of registered voters, and 42 per cent of the electorate was under the age of 35. Outside the country, 41,505 Paraguayans registered to vote in Argentina, Brazil, Spain and the United States.

In Paraguay, voting is compulsory and abstainers face a fine of Gs. 98.000 (ca. 12 EUR). Exemptions include persons over 75 years old, in detention, suffering from health conditions, or due to professional reasons (magistrates and judicial officials involved in the elections or other public servants). The TSJE issued a resolution on procedures for implementation of these fines just three days before elections.

Registration of Candidates

The requirements of nationality and age imposed on the right to stand for office are reasonable. Nevertheless, a ban on independent candidates remains in place, including for the uninominal presidency and governors. This ban is contrary to international principles on the right to stand.⁴ A total of 9,092 candidates representing 42 political organisations submitted their candidacies in an inclusive process. Thirteen candidates with their respective deputies were contesting the presidential office. For the two chambers of Congress, 1,350 candidates were competing for the Senate and 2,108 for the Chamber of Deputies. In addition, 113 candidates competed for governor and 5,495 candidates for the 17 departmental assemblies.

Campaign Environment

Traditional campaign activities remained low-key throughout the entire campaign period. The high costs involved in campaigning in both primary and general elections made candidates resort to minor campaign events and social media, seen as a more affordable and effective channel. EU observers attended 92 small campaign events throughout the country. Fundamental freedoms were respected, and candidates could campaign without restrictions. The two-day silence period was observed with campaign materials being removed in some municipalities. Most interlocutors claimed to be disappointed by the effects of the adoption of the preferential vote, given that the competition between candidates of the same list, prompted by the preferential vote, individualised the campaign and contributed to the disappearance of a party platform or a party manifesto to refer to whilst canvassing.

New regulations were introduced since 2018 for campaign finance, extending financial control to primary elections, increasing the traceability of funds, and establishing measures to prevent money laundering. However, the TSJE's real capacity to audit accounts is limited. There were widespread concerns expressed by interlocutors of financial resources coming from organised crime and drug trafficking funding the campaign. The EU EOM is not in a position to verify these allegations.

Media

Despite the significant number of media organisations operating in the country, ownership is concentrated in three main private media groups, each with clear political editorial lines. Although freedom of expression and freedom of the press were respected during the electoral period, a verbal refusal by the *Concertación's* press chief to provide *La Nación* access to the early morning press point of Efraín Alegre resulted in a public condemnation by the Journalists Union of attempts of censorship.

The EU EOM media unit monitored the period from 20 March to 27 April. The tone used by media outlets to cover the different candidates followed their political editorial line. *La Nación* and *Canal Trece* television channel (*Nación Media* Group) were highly critical of the *Concertación* candidates, focusing on corruption allegations involving the *Concertación*

⁴ ICCPR, United Nations Human Rights Commission, General Comment no. 25, para. 17 “The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties.”

presidential candidate as Minister of Public Works, as well as the vice-presidential candidate and her husband. In total, 93 per cent of *La Nación* and *Canal Trece*'s coverage given to the *Concertación* presidential ticket had a negative content. The television program *El Repasador*, broadcast on *Canal Trece*, has been pinpointed by interlocutors as using insulting language against *Concertación* candidates, their relatives, and a former President of Uruguay.

The newspaper *ABC Color* and *ABC Cardinal* radio station (Zuccolillo Group) used a negative tone in 63 per cent and 50 per cent, respectively, when covering *ANR – Partido Colorado* candidates, also covering corruption issues in connection to the US sanctions and the possibility of extraditions. The television channels *SNT and Telefuturo* (Vierci Group) provided a more balanced coverage of contestants. Radio Monumental (Vierci Group) reported extensively on Frente Guasú with 20 per cent of this coverage mostly in a neutral and positive tone.

While campaign spots of the two main presidential bids, *ANR – Partido Colorado* and *Concertación*, were regularly broadcast on radio and television, most other candidates did not make significant use of these means due to their high cost, with claims that rates may fluctuate from one candidate to another contrary to legal provisions. Less popular candidates were encouraged by media outlets to pay for their participation in interviews or programmes, however, media outlets, namely the ones broadcasting at local level, failed to identify this as paid airtime.

Social Media

The EU EOM Social Media Unit monitored the period from 20 March to 27 April. Facebook was the most prominent platform for campaigning by candidates, followed by Instagram and Twitter.

The campaign in social media has been lacklustre and largely devoid of policy proposals, which were contained in a tenth of the analysed posts. More than half of the social media posts by candidates showed footage or photos of their campaign events or details of their personal lives. The *Concertación* had a more focused social media campaign, releasing campaign proposals on a weekly basis, with the vice-presidential candidate, Soledad Núñez, engaging and personally responding to her followers on social media platforms.

Almost none of the candidates competing in the presidential and senatorial races engaged in persistent offensive discourse against their competitors through their official social media accounts. The notable exception was presidential candidate Paraguayo Cubas, whose posts, in addition to those from the official page of his political party *Cruzada Nacional*, accounted for half of the offensive language used against candidates identified on Facebook by the EU EOM Social Media Unit. An analysis of replies on Twitter showed that Efraín Alegre was the most attacked candidate on Twitter, followed by his vice-presidential running mate Soledad Núñez, with allegations of corruption emerging as the main line of attack.

The amount of paid political advertising on social media owned by Meta Platforms Inc. varied substantially between presidential candidates, with Santiago Peña spending two and a half times more than Efraín Alegre. A few Facebook pages that were not officially affiliated with any candidate purchased political advertising on the platform.

Participation of Women

Participation of women in public life is guaranteed by the Constitution. However, no positive measures were implemented to encourage their political participation in elected positions. The Electoral Code establishes a quota of at least 20 per cent of women within political organisations' structures. Nevertheless, there is no mechanism available to enforce internal party compliance.

Although the three-member ministerial composition of the TSJE does not include any women, 10 out of 17 judges at the Electoral Courts (*Juzgado Electoral*) were women and five of the 10 Electoral Tribunals (*Tribunal Electoral*) were presided over by women. The Supreme Court of Justice is comprised of nine members, only one of whom is a woman.

For the 2023 elections, only one woman competed for the presidential office and six for vice-president. For Congress, 419 women competed for the 45-seat Senate (31 per cent), while 637 for the 80-seat Chamber of Deputies (30 per cent). Out of the 113 candidates for governor, only 15 were women (13 per cent) and 1,917 women presented candidatures for the 17 departmental assemblies (35 per cent). Women candidates represent 33 per cent from the total, which means a decrease with respect to 2018 figures (39 per cent).

Participation of Indigenous Peoples

According to the 2012 Population Census, the indigenous population is estimated at 117,150. Although the Constitution of Paraguay guarantees the rights of indigenous peoples, the lack of an inclusive civil registration of the indigenous population has a negative impact on their ability to exercise their political rights. There are no accurate figures on the number of indigenous candidates and voters participating in the elections. The EU-funded programme “*Right to Identity through access to official documentation of indigenous peoples in Paraguay*”⁵, aiming at their civil registration, also provided training for around 60 indigenous facilitators to serve as liaison between the TSJE and these communities, encouraging their participation in elections.

Participation of Civil Society and Domestic Observers

Two organisations, *Alma Cívica* and *Decidamos*, requested accreditation of domestic observers from the TSJE, but were refused, resulting in the absence of domestic observers in this election. *Alma Cívica* was denied accreditation due to the existence of close links between its executive committee and the *Concertación*'s vice-presidential candidate and her husband, who is also a candidate for the Senate. *Decidamos* planned to deploy 800 observers and to conduct a quick count, but saw its request rejected due to the understanding of the TSJE that election observation missions were not allowed to carry out a quick count. There is a practice of national observer missions in Paraguay and in Latin America carrying out such exercise.⁶ The EU EOM emphasises the fact that *Decidamos* could not officially participate in the electoral process which undermined the full engagement of civil society in the public affairs of the country. The regulation on national observation fails to provide an expeditious mechanism for appealing TSJE decisions concerning refusal of accreditation.

Polling and Counting

EU observers visited 383 polling stations in all departments of the country and the capital Asunción. Opening was observed in 46 of these polling stations and closing and counting in 43. EU observers reported that 96 per cent of observed polling stations opened on time or within the first 30 minutes of the official opening time. Delays were mostly caused by unpreparedness of polling staff or difficulties in setting up the voting machine. In 39 per cent of the visited polling stations, one of the originally designated members was replaced. Opening procedures were generally adhered to in a transparent process in almost all polling stations. Overall, EU observers assessed opening procedures as good or very good in 43 of the 46 observed polling stations.

⁵ *Derecho a la Identidad mediante acceso a documentación oficial de personas indígenas en Paraguay*.

⁶ Bolivia (*Tu voto cuenta*, 2020 general elections), Ecuador (*Participación Ciudadana*, 2017 presidential elections), Guatemala (*Acción Ciudadana*, 2019 general elections), Honduras (*Asociación para una Sociedad más Justa*, 2009 and 2013 general elections), Peru (*Transparencia*, 1995, 2000, 2001, 2006 and 2011 general elections), Dominican Republic (*Participación Ciudadana*, all presidential elections from 1996 to 2020).

The EU EOM assessed the overall conduct of polling operations as good or very good in 94 per cent of the observed polling stations and described the process as transparent. The layout in most observed polling stations ensured the secrecy of the vote. Voting machines were generally functioning without any issues in most polling stations. Isolated cases of minor technical problems were resolved promptly. The fire that had destroyed voting machines and the consequent reduction in the number of polling stations resulted in long queues throughout the day. EU observers reported cases where assisted voting took place contrary to legal provisions in 19 per cent of the polling stations visited. These cases included voters being assisted without a visible disability and party representatives assisting voters. There was a balanced composition in the polling stations visited comprised of 38 per cent of ANR and 38 per cent of PLRA, and 20 per cent of *Frente Guasú*.

In 19 per cent of observed polling stations, EU observers reported illegal activities within the 200-meter perimeter. These included campaign material and activities and presence of party stands. Organised transportation of voters was also observed. The EU EOM directly observed seven cases of vote buying and five cases of indications of vote buying.

Counting started immediately after the closing of polling stations and procedures were mostly followed. EU observers assessed the counting process as good or very good in 37 of the 43 of the visited polling stations. In 38 of them, EU observers described the process as transparent and reported that poll workers performed well in 32 of the observed polling stations. Party agents and party-appointed poll workers received a copy of the polling station results protocol.

Women made up 66 per cent of polling staff with the same percentage holding the presidency of the polling stations. Party agents were present in all observed polling stations, with ANR having the highest presence in 88 per cent of the stations visited, PLRA 24 per cent, followed by 11 per cent for *Concertación*, 12 for *Cruzada Nacional* and 9 for *Frente Guasú*.

Transmission of preliminary results was observed in 40 polling centres and assessed as good or very good in all cases. The transmission was well organised and transparent. The election administration started publishing TREP results half an hour after closing of polling stations and reached 99 per cent of total polling station results by 21:00 hours.

Tabulation of election results (*cómputo provisorio*) at the Electoral Tribunals started on 1 May. On 3 May, the process was completed in eight departments (Amambay, Caaguazú, Caazapá, Concepción, Cordillera, Guairá, Misiones and Ñeembucú). EU observers assessed the tabulation carried out in these eight departments as well organised and transparent with representatives of political organisations (*apoderados*) present throughout the process. The EU EOM will continue to observe the completion of the tabulation process in the remaining nine departments and Asunción as well as the final tabulation and any complaints and appeals.

An electronic version of this Preliminary Statement is available at
www.moeueparaguay2023.eu

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