



PARAGUAY

FINAL REPORT

General Elections
April 21st, 2013

EU ELECTION OBSERVATION MISSION
TO PARAGUAY

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I. OVERVIEW

1. On June 22, 2012, Federico Franco, from the Authentic Liberal Radical Party - PLRA, Vice President until then, substituted Fernando Lugo as President of the country as the result of a controversial political trial. Mercosur and Unasur considered this destitution as an attack to the democratic order and decided to cease Paraguay from both organizations. These elections were not only important to the country, but they could also be a key step towards the reintegration of Paraguay in the region.
2. Invited by the Paraguayan Government and the Superior Court of Electorate Justice (SCEJ), the European Union agreed to deploy an Election Observation Mission (EU EOM) to attend the electoral process of 2013. The EU EOM to Paraguay arrived at Asunción on March 2. Headed by the Eurodeputy Renate Weber, the Mission was officially introduced in a press conference on March 15. A total of 111 observers from the 27 countries of the European Union and Norway, which included seven eurodeputies presided by Jose Ignacio Salafranca and other diplomats from the EU Delegation and embassies of the Member States of Asunción, were deployed throughout the country in order to assess the compliance of the electoral process with Paraguayan legislation and international duties of democratic elections. This EU EOM is independent in the production of its statements and upholds the Statement of Principles for the International Observation of Elections, adopted by the United Nations on October 2005.
3. Votes were cast on 17,527 vote receiving tables of 1.046 polling stations in Paraguay and 14 abroad (5 in Argentina, 5 in the United States and 4 in Spain), where votes were cast for the first time in the electoral history of Paraguay.
4. This polling day went with relative calmness broken only by isolated events without a direct link to the electoral process. The six main parties provided a noticeable number of agents and observers, which contributed to the credibility of the elections with their presence. Observers of the EU EOM deemed that in the wide majority of cases electoral procedures were respected, from the opening of the polling stations to their closure, and counting of votes.
5. The process for the transmission of preliminary electoral results (known as TREP for its Spanish acronym) was one of the key elements of the acceptance of results. Proper planning and the professional expertise of technicians from the Electoral Justice were only compromised by the irresponsible behaviour of some media outlets, which disclosed the results of voting surveys on the door-step of polling stations in a flagrant violation of the law, and by few inadmissible statements from the very Vice President of the SCEJ, Juan Manuel Morales. While safety of the transmission process was adequate, there still remains reasonable room for improvement for future electoral processes.
6. 2,409,437 Paraguayans went to the polls on April 21. Electoral participation this day was 68.5%, a remarkable rate compared to other recent elections, even though voting is mandatory in Paraguay, although abstention is not sanctioned in practice. There were 59.637 null votes (2.47% of the total number of votes cast), and 72.066 blank (2.99%), a considerable number, because added they are the fourth party of Congress.
7. Horacio Cartes (National Republic Association - ANR), with 45.83% of valid votes, won the presidency by a wide margin over Efraín Alegre (Alianza Paraguay Alegre - APA), with 36.92%. The President Elect won in 16 of the 17 departments. Very far behind, Mario Ferreiro, Avanza País, got 5.88% of the votes and Aníbal Carrillo, Frente Guasú, 3.30%. The rest of the candidates did not get 4% of the votes combined.
8. In the Senate, ANT won 19 seats and is four short of the absolute majority. PLRA has 3 legislators. Frente Guasú, which represented the Party Leader of the Ex President Fernando Lugo, became the third political power with 5 seats in the Senate. This is the first time the third political power belongs to the left.

9. The Colorado party enjoy their majority in the House of Representatives with 44 legislators. The liberals, with 27 seats, are the second power. The electoral system applied to the election of the House of Representatives caused a strong polarization in the composition of the Lower House. The two traditional powers (ANR and PLRA) shared 71 seats. The remaining political powers, only 9.
10. ANR also captured the majority of provincial governments and municipal boards of the country, and elections to PARLASUR. The Colorado Party shall rule in 12 of the 17 provinces of the country, three more than in 2008. PLRA lost ground, keeping four provincial governments and losing three of the seven it conquered in 2008. Pablo Contessi, Partido Encuentro Nacional (PEN), which led an alliance with PLRA, Patria Querida, Partido Democrático Progresista (PDP) and PEN, named "Pasión Chaqueña", was the winner in the elections of the Province of Presidente Hayes. ANR will have 10 members of parliament in PARLASUR and PLRA 6; the remaining two belong to Frente Guasú and UNACE.
11. The Electoral Justice received a generalized acknowledgement for its professional expertise and transparency in the administration of the electoral process. However, some parties have questioned its independence because the way on which the three main parties share all positions of responsibility among them, from SCEJ magistrates to the vote receiving tables, or even the SCEJ's staff. A legislative reform opening the electoral administration to all parties, at least those with elected positions, particularly at the level of vote receiving tables, would result in higher confidence on future electoral processes in Paraguay.
12. The electoral roll is generally accepted as a valid and reliable instrument when conducting elections. SCEJ could move to improve on three key areas: identification and registration of unidentified groups of adults, basically in marginal areas, purging of deceased and registration of Paraguayans residing abroad.
13. In general, the legal framework provides a proper base for the celebration of democratic and authentic elections. However, the review of certain aspects is necessary for the legislation to be fully adjusted to international and regional principles and obligations of which Paraguay is a signatory; to have inconsistencies between the Constitution and the Electoral and Penal codes resolved; to cover certain legal voids; and to incorporate mechanisms of application and control which will warrant full compliance with the law.
14. The EU EOM celebrates two positive changes in the electoral legislation which have taken place for the first time in these elections. First is the vote in elections for president, Senate and Parlasur of Paraguayans residing abroad. The second one is the automatic registration of voters turning 18 years of age after January 2012. The EU EOM furthermore values the change of the fixed list system (*Listas sábana*; blanket lists) to open lists, which shall be applicable in the municipal elections of 2015.
15. The main reason for concern for the EU EOM regarding the legal aspect is the lack of full application of the law. The procedure to implement sanctions due to electoral infractions is not defined, therefore they are not applied. Apart from the legislative deficiencies and the lack of action from the authorities responsible for the application of legal dispositions, controversial legal resolutions have exempted from the compliance of prohibitions those who promoted actions and constitutional appeals, because of cautionary measures or unconstitutional rulings.
16. This fact is aggravated taking into account that, in the Paraguayan legal system, the recognition of unconstitutionality does not invalidate the challenged norm, but it is left with no effect on only those who requested it. Contradictory judicial rulings regarding the constitutionality of various articles of the Electoral Code have resulted in the fact that some parts remain subject to compliance, while others not (*inter partes* rather than *erga omnes* effect), which violates the principle of equality before the law and the legal safety, key grounds for the development of any electoral process.
17. This has been the case of articles 305 and 329 of the Electoral Code, deemed "inapplicable because they are contrary to articles 26 and 28 of the Constitution" by the Supreme Court in 2002. Such ruling of the prohibition to publish opinion polls within the 15 days prior to the elections day to the newspaper *Ultima Hora*, who requested an exception of unconstitutionality, while other media outlets remain subject to the same articles deemed unconstitutional. On April 14 and 15, *Ultima Hora* published opinion polls. Any other media doing the same would have been penalized with a fine of

about 32 million guaranies (6,000 Euros) and a maximum prison term of 6 months. It must be noted that the Supreme Court rejected the unconstitutionality of both articles of the Code on rulings before and after 2002.

18. The candidate registration system was inclusive and it secured the celebration of disputed elections. A total of 11,658 candidates proposed by 14 political parties, 14 movements, 7 alliances, and 3 concentrations in 607 lists fought for 746 positions.
19. The campaign progressed in a generally peaceful manner. There were no significant incidents reported. Candidates and sympathizers of all political groups enjoyed a high degree of freedom of speech, movement and gathering. The confrontation among candidates of APA and ANR, Efraín Alegre and Horacio Cartes, dominated a generally active and visible campaign, but in some zones it was rather discreet. The polarization between contenders increased during the last section of the campaign and its negative tone intensified. It was a campaign on which accusations prevailed and genuine political debate was limited.
20. The EU EOM received numerous claims of irregular ways to influence the will of voters, from the distribution of goods and services to the purchase of votes, inking of fingers of voters from rival parties, or drifting of voters to voting stations. In days closer to the elections, observers were direct witnesses of this type of practices, of which the most shocking were the confinement (*pounds*) of indigenous voters whose votes were bought, observed in seven occasions in two provinces. The EU EOM thinks that while this confinement is not done against the will of the voters, this practice goes against human dignity.
21. The EU EOM interlocutors and communication media have reported in numerous occasions the use of state resources and embezzlement of public funds. There were very serious accusations of corruption against politicians who allegedly abused their positions to get economical or other benefits. True or not, these accusations created a tense political atmosphere and gave the public opinion an image of politics being a dishonest activity with full immunity.
22. In these elections the rules regarding financing of parties and the electoral campaign have not warranted a balance and transparent regime, because they do not impose expenses limits or control in the electoral campaign. In 2012 a positive and necessary modification of 15 articles of the Electoral Code were approved in order to make transparent the origin and use of resources used by political parties. Being approved following a call for elections, it did not affect these elections. The new law is an important step as it is an improvement on the norms regulating the financing of parties and the campaign. However, in order to resolve evident deficiencies, its regulation is essential for it to be of application.
23. Multiple communication media covered the electoral campaign in a free and active manner, using a variety of formats. A large number of community radios conducted significant civic education and voters information campaigns, both in Spanish and Guaraní, thus increasing the informative pluralism. The SCEJ conducted a praise deserving information campaign for voters through communication media.
24. The limit between political and electoral propaganda as defined in the Electoral Code is especially labile in the scope of an electoral campaign and this has been used by candidates in order to spread late electoral messages.
25. The results of this media coverage are evidence of a wide presence of institutional advertising. The EU EOM highlights the lack of a mention in the Electoral Code about the broadcast of institutional advertising in time for the electoral campaign, as set forth in the good practices for the celebration of democratic elections.
26. While there is no minimum gender rate for the candidates' lists, up to 38.3% of candidates were women. Nine of the 45 members of Senate (20%) were women, as well as 12 for a total of 80 representatives (15%), one of the 17 governors (6%), 3 of 8 representatives in PARLASUR (16%), and 37 of the 228 members of the municipal boards (16.22%). These numbers confirm there is still a need for effective measures to increase the lever of representation for women in elected positions.
27. The EU EOM praises the efforts by the SCEJ to make the process more inclusive. If, on one hand, the

Guarani version of the Electoral Code was not provided by the SCEJ until April, on the other hand, many blind individuals in Asunción and the Central municipality were able to vote with the help of a Braille device. However, a reform on the legislation is needed to allow votes from handicapped individuals who have not been deemed unfit by judicial resolution, as well as deaf-mute individuals who do not know how to express themselves in writing or otherwise, as well as those hospitalized, detained, draftees, and students of official academies and sub-officers of the Armed and Police Forces.

28. The system of recourses and challenging in the pre-electoral phase is in general in line with international principles containing the right to legal defense and right of appeal. Resolution of electoral disputes pertains to the Electoral Justice. However, nor the procedure nor the terms foreseen warrant an effective solution. A reform to the Electoral Code including the system to treat challenges is thus necessary for future electoral processes.
29. Results can be challenged only at the voting tables. Once these tables set the results in the poll act, it cannot be modified, and only the SCEJ may annul the table based on the legally foreseen causes. Of a total of 306 challenges filed, 234 were rejected as lacking merit, and 72 were admitted favorably. In all 12 tables were annulled and 6 only for a position, without alteration of fact of provisional results. Seat number 45 of the Senate was challenged until the last minute, and it was resolved in favor of senator number 13 of PLRA by 66 votes. As a consequence, the candidate from Partido Patriz Querida, which will not have any representative in the Upper House, was out.
30. The 2013 elections have been the most observed process in the history of the democracy in Paraguay. On April 10, when the term for accreditation of international observers was closed, there were 491 accredited observers. In view of its contribution to the credibility and trust in the electoral process of 2013, EU EOM recommends the electoral observation, both international and national, to be regulated by law, so there are no doubts in the future regarding who may observe, and under which conditions.
31. This report includes detailed recommendations from the EU EOM, aimed to contribute to the strengthening of future democratic electoral processes. The EU EOM highlights the following:
 - The Constitution of Paraguay itself foresees the political trial in its article 25, with which the President of the Republic, Vice President, ministers of the Executive Power, ministers of the Supreme Court of Justice, the Attorney General, the Ombudsman, the General Comptroller of the Republic, the Sub-Comptroller, members of the SCEJ, can all be removed from their positions in case of a poor performance of their duties, due to crimes committed during the term of their positions, or due to common crimes. In order to avoid having this mechanism used in a discretionary manner, it would wise to clearly define its procedure, through a law detailing all of its stages with precision and without room for doubts. The legislation sets sanctions for the commission of electoral violations foreseen in the Code, however procedures for their application are not regulated, therefore they are not applied. The law needs to specify the procedure allowing the execution of sanctions.
 - Legal dispositions regulating the elections need to be reviewed so they may warrant compliance of international commitments of which Paraguay is signatory in the field of political rights and in order to solve the existing controversies among the different applicable laws in elections. It will be useful for the electoral legislation reform to take into consideration the clarification of the limits between electoral propaganda and political propaganda, institutional advertising during the campaign, incorporation of mechanisms so the representation of women in elected positions increments, changes in the regulations allowing and promoting the vote of all citizens, and the proper regulation of electoral observations in the law, among other items.
 - The legislation sets sanctions for the commission of electoral violations foreseen in the Code, however procedures for their application are not regulated, therefore they are not applied. The law needs to specify the procedure allowing the execution of sanctions.
 - In Paraguay, effects of declaratory rulings of unconstitutionality are limited to the claimant (*inter partes* and not *erga omnes* effects.). It has been stated during the electoral process that the control system of constitutionality in Paraguay caused inequality situations before the electoral laws. Despite having declared two articles of the Electoral Code (305 and 329) unconstitutional, they continued being mandatory for those who did not request the declaration of unconstitutionality. This difference should

be corrected in order to warrant legal safety and the principle of equality before the law.

- All levels of the Paraguayan electoral administration are subject to distribution among the three parties with the highest representation in the legislative houses. Such distribution totally excludes the rest of the political powers from positions ranging from the highest hierarchies of the Electoral Justice to the vote receiving tables. It is at the level of the vote receiving tables where the exclusion of political powers with the least representation is more problematic, because, according to Paraguayan legislation, vote receiving tables act with total independence and their decisions are in many cases irreversible. A modification in the formula of integration of the various levels of the electoral administration, including, at least, political entities having representation in the legislative bodies of the country, would increase trust in future electoral processes. A composition more plural than the current one is especially important at the vote receiving tables level, but it could also include civic boards, currently comprised of five members.
- The prosecutor's office should act more strongly in cases where the electoral legislation is flagrantly violated. It should do so in every disposition foreseen in the law, but particularly in the case of *pounds*.
- The high concentration of vote receiving tables in polling stations causes many voters to be forced to travel long distances in order to exercise their right to vote. Habilitating more vote receiving tables close to rural population centres would ease the problem, without excessively increasing logistic costs, and making the parties lose an instrument with which they sometimes cast an irregular influence on the will of voters, because it is the parties with the resources to do so which provide transportation to voters located far away from their tables. Offering free or subsidized public transportation during the electoral day would also have a similar effect. Vote receiving tables must be, furthermore, adapted to the needs of voters with disabilities in order to be more accessible.
- Aimed to increase trust and transparency in the process an independent audit needs to be implemented for the process of results and access to resources and the judicial review. We hereby recommend: i) that the Electoral Justice publicly discloses provisional results in an official manner through an act of proclamation, and from it a properly regulated challenge process be opened for the results, and to grant the legal right to do so, not only to the parties, but also to citizens and voters; ii) that the SCEJ, in its action of final proclamation (Agreement and Ruling), will provide all data, final results, and relative percentages, including participation rates of all elections and vote from abroad; and finally, iii) it is advisable to ease the preclusion principle, by virtue of which, if there is no challenge at the vote receiving table, it is impossible to challenge the results. Detail and typify some specific cases could resolve situations which did not necessarily take place at the voting table, but at a later stage.

II. INTRODUCTION

Invited by the Paraguayan Government and the Superior Court of Electorate Justice (SCEJ), the European Union agreed to deploy an Election Observation Mission (EU EOM) to attend the electoral process of 2013. The EU EOM to Paraguay arrived at Asunción on March 2. Headed by the eurodeputy Ms. Renate Weber and integrated by a core team of eight persons, as well as observers of long and short term duration from 27 countries of the Union and Norway, seven eurodeputies, and European diplomatic personnel accredited before the Paraguayan State, the Mission totaled 111 observers and it comprised the largest group of international observers of the electoral process in Paraguay.

The EU EOM is independent from the Member States of the European Union, the European Parliament, the European Commission and the European External Action Service (EEAS). Its goal is to conduct a deep and detailed assessment of the electoral process per criteria defined by Paraguayan laws and international obligations applicable to democratic elections. The head of the Mission, Renate Weber, is a Romanian deputy of the European Parliament assigned to the Group of the Alliance of Democrats and Liberals for Europe (ALDE).

The works of the observation are set in a Preliminary Statement and this Final Report and its recommendations. During the electoral day of April 21 observers visited 580 of the 17,527 electoral tables in the entire country. The EU EOM witnessed the entire process of the day: opening of the polling stations, vote casting, closing, counting, and consolidation of results, as well as the process of issuing preliminary electoral results (TREP for its Spanish acronym) in Asunción and in the 17 provinces of the country. The Mission presented a Preliminary Statement on April 23, and it continued with the observation of the post-electoral process, preliminary count in the 10 electoral courts, count and final ruling, and the SCEJ proclamation of the results of the 6 elections between May 10 and May 13. The EU EOM finished its activities in the country on May 16 before returning to Paraguay to present this final report on May 29, 2013.

The EU EOM wishes to sincerely thank for the cooperation and support it received from the Government of Paraguay, the SCEJ, political authorities, and provincial electoral authorities, political parties, organizations of the civil society, the Delegation of the EU in Asunción, representatives of the Member States of the EU, and other embassies. The Mission wishes to thank Paraguayan citizens and communication media in particular for the warm reception given to us.

III. POLITICAL SCOPE

A. POLITICAL CONTEXT

The Superior Electoral Court of Justice (SCEJ) on August 21, 2012 called for general elections for April 21, 2013, in accordance with the corresponding constitutional dispositions and taking into consideration the legislative term ends on July 1st, and the presidential term on August 15, 2013. On April 21 president and vice president; 45 holding and 30 substitute senators; 80 holding and 80 substitute deputies; 17 governors; 228 members of the provincial boards and 228 substitutes; 18 members of PARLASUR and 18 substitutes were elected.

Following the elections of 2008, despite losing the presidency, the Asociación Nacional Republicana-Partido Colorado (ANR) continued being the largest party in the two houses, with 34 of the 80 seats in the House of Representatives and 15 of the 45 seats in the Senate. The Partido Liberal Radical Auténtico (PLRA) was represented with 29 representatives and 14 senators. Unión Nacional de Ciudadanos Éticos (UNACE) was the third political force with 16 representatives and nine senators.

The unstable political situation and the internal frictions within the Coalición Alianza Patriótica para el Cambio, headed by the PLRA, which made possible for Fernando Lugo to access the presidency in 2008, resulted in a controversial political trial which ended with the removal of the president on June 22, 2012. The driving force of the trial was the killing, on June 15, 2012, of eleven farmers and six police officers

during a shoot-out in a police removal of farmers "without land" occupying a farm in Curuguaty. After the removal, Vice President Federico Franco, of the PLRA, took office as President, in power until August 15, 2013. Mercosur and Unasur condemned what they defined as a "parliamentary *Coup d'Etat*" and they unanimously decided to cease Paraguay from both organizations.

The elections of April 21 were not only important for the democratic development of the country, but also acted as a key step towards the reintegration of Paraguay in the region.

B. POLITICAL ACTORS

In the context of this electoral process 14 political parties, 14 political movements, seven alliances¹ (one national and six regional) and three electoral concertations² (two nationals and one regional)

The member of Colorado Horacio Cartes (ANR) and liberal Efraín Alegre (PLRA), senator and ex-minister of Public Works in the Government of Lugo, were the main candidates among those eleven in the contest. Lino Olviedo, presidential candidate for the third political force of the country (UNACE), died in a helicopter accident on February 2, 2013, and was substituted by his nephew Lino Olviedo Sánchez.

Mario Ferreiro (Avanza País), Miguel Carrizosa (Patria Querida) and Aníbal Carrillo (Frente Guasú), along with their corresponding political groups, competed for the position of third force.

Other candidates included Eduardo Arce (Partido de los Trabajadores), Roberto Ferreira (Partido Humanista), Lilian Soto (Movimiento Kuña Pyrenda), Ricardo Almada (Partido Blanco) and Atanasio Galeano (Partido Patria Libre). The president removed from office, Fernando Lugo, headed the national list of Frente Guasú to the Upper House.

IV. LEGAL SCOPE

A. UNIVERSAL AND REGIONAL STANDARDS

Paraguay has ratified the most relevant international and regional treaties containing standards securing democratic and periodical elections, as well as the no discrimination in the enjoyment and exercise of political rights.³ Furthermore, Paraguay recognizes the jurisdiction of the Inter-American Court of Human Rights, of the Committee of Human Rights of the United Nations and the Commission for the Elimination of all forms of Discrimination Against Women.

In the end, Paraguay is a signatory of the Inter-American Democratic Letter of 2001 and a State member of the Ushuaia Protocol on the democratic commitment in Mercosur, the Republic of Bolivia and the Republic of Chile.

Per the Paraguayan Constitution (article 137), approved and ratified international treaties, conventions, and agreements comprise the national positive law and they prevail over laws drafted by Congress and other lower hierarchy legal dispositions.

¹ An alliance is a provisional electoral agreement between recognized political parties.

² A concertation is a political-electoral organization, established for a set period of time, created as the result of an agreement between two or more recognized political parties or movements

³ International Pact of Civil and Political Rights (Law n. 5/92); American Convention of Human Rights (Law n. 1/89); Convention for the Elimination of all Forms of Discrimination Against Women (Law n. 1215/85); International Convention on the Elimination of all forms of Racial Discrimination (Law n. 2128/03); Convention of the United Nations on Rights of Persons with Disabilities (Law n. 3540/08); Inter-American Convention for the Elimination of all forms of Discrimination against persons with Disabilities (Law n. 1925/02); Agreement of the ILO n. 169 For Indigenous and Tribal Peoples in Independent Countries (Law n. 234/93).

B. LEGAL SCOPE

In general, the legal scope provides a proper base for the celebration of democratic and authentic elections. However, the review of certain aspects is needed for the legislation to: i) fully adjust to international and regional principles and obligations of which Paraguay is signatory; ii) resolve inconsistencies between the Constitution, and the Electoral and Penal Codes; iii) cover legal voids; and iv) incorporate application and control methods warranting total compliance of the law.

The legal sources regulating elections in Paraguay are mainly four: 1) Constitution of 1992; 2) the Electoral Code (Law n. 834/96); 3) the Law of Electoral Justice (Law n. 635/95); and 4) resolutions from the Supreme Electoral Court of Justice, all of them of compulsory compliance. Also, the Penal Code of 1997 (Law n. 1160/07) sanctions, among others, the violation of the secrecy of vote, purchase of votes, cases of intimidation, fraudulent votes, counterfeit results, and violations to the Code.

The Constitution defines a Paraguayan State as a democratic, unitary, and representative republic securing the division of Government in three State powers and sets a presidential regime where some special attributions are bestowed on the legislative power⁴, accentuating the precedence of Congress before the executive and judicial powers. The President heads the Executive Power, as head of state and government. The legislative power is headed by the bi-house National Congress, with 45 senators and 80 representatives. The judicial power is headed by the Supreme Court of Justice, tribunals and courts.

The Magna Carta in its preamble defines the vote as a right, duty, and public function of the voter, and it states the vote is universal, free, direct, equal, and secret; the count is public and audited, and the electoral system has proportional representation. The Constitution also contemplates the electoral organization, competence and integration of the Electoral Justice as a branch of the judicial power⁵; thus, it also contemplates incompatibilities and inabilities to be president, vice president, senator and representative.

The Electoral Code details the process for general, provincial, municipal and PARLASUR elections. Furthermore it includes titles which regulate the formation, internal functions, and registration of political parties, movements and alliances, even detailing the organization of primary elections within parties, which are mandatory. The Code provides details of the registry of voters, candidates, vote polling and counting, distributions of seats, sanction for electoral faults and crimes, financing of parties and electoral propaganda.

The Law of Electoral Justice, on the other hand, sets the composition and functions of the electoral administration and process standards at the helm of the electoral jurisdiction.

In 2013, the SCEJ adopted 16 resolutions to regulate technical and procedural aspects not covered by the laws, having a total of 21 issued for these elections.

At the same time, up to 15 laws have been modifying important aspects of the contents of the Electoral Code⁶, and which have not been incorporated into their legal body, creating with the resolution of application in these elections a universe of standards which hinders proper comprehension of applicable rules, and creates the need for a consolidated version of the Electoral Code in accordance with the good electoral practices.

On the other hand, it would be useful for the dispositions ruling the formation, recognition, functions, extinction, and financing of parties, currently included in the different chapters of the Electoral Code, to be integrated in a law of political parties, and that the rules applicable to the elections of intermediary organizations, dispersed in the Electoral Code and supported by jurisprudence and practice, constitute a separate law.

⁴ Such as political trials and removal of the President of the Republic, Vice President, ministers of the Executive Power, ministers of the Supreme Court of Justice, the State's Attorney General, the Ombudsmen, the General Comptroller of the Republic, the Sub comptroller and members of the SCEJ (article 225).

⁵ Constitution, articles. 273-275.

⁶ Such as, for instance, Law n. 3212/2007 of concertations; Law n. 1975/2002, modifying registrations in the national civic registry, electoral terms, and presentation of candidacies; Law n. 2096/2003 of bulletins; Law n. 2858/2006, on claims.

Furthermore, harmonization of the national legislation is necessary so that the existing inconsistencies between the Electoral Code, Penal Code, and the Constitution can be resolved, for instance, in the case of vigilance of political movements or sanctions due to electoral crimes.

C. NON APPLICATION OF THE LAW

The main reason for concern for the EU EOM regarding the legal framework is the non application of the law. Certain obligations and prohibitions included in the Code are merely decorative, since it does not set consequences for their violations; for instance, the prohibition of being affiliated to more than one political party⁷, or the obligation to show ordinary rates for advertising space being sold, to which media are subject⁸.

Other violations to the Code, such as the commission of electoral faults, for which sanctions are indeed set forth, lack a procedure for their application, therefore they are not applied.

Also, violations to the Code for which a sanctioning process is indeed set forth, such as infractions to the times of electoral campaigns and publication of opinion polls, have not been sanctioned either due to judicial resolutions issued on constitutional actions and appeals which exempted from their compliance those claiming such dispositions are against constitutional rights of freedom of speech and press.

This fact is aggravated taking into account that, in the Paraguayan legal system, admission of unconstitutionality does not invalidated the challenged norm (*erga omnes* effect), but it is left with no effect on only those who requested it (*inter partes* effect). The scope of contradictory judicial rulings regarding the constitutionality of various articles of the Electoral Code have resulted in the fact that some remain subject to compliance, while others not, which violates the principle of equality before the law and the legal safety, key grounds for the development of every electoral process.

This has been the case of articles 305 and 329 of the Electoral Code, deemed "inapplicable because they are contrary to articles 26 and 28 of the Constitution" by the Supreme Court in 2002. Such ruling of the prohibition to publish opinion polls within the 15 days prior to the elections day exempted newspaper *Ultima Hora*, whose director requested an exception for unconstitutionality, while other media outlets remain subject to the same articles deemed unconstitutional. On April 14 and 15, *Ultima Hora* published opinion polls. Had other media outlet done it, it would have been fined with a fine of 32 million Guaranies (about 6,000 Euros), and a prison term of up to six months. It must also be noted that the Supreme Court rejected the unconstitutionality of both articles of the Code on rulings before and after 2002.

Likewise, the lack of application of the law has also been the result of a lack of effective action by a section of the Electoral Justice and the State Attorney, such as it happened in the cases of publication of polls at the voting stations or control of electoral campaign expenses⁹.

The proper observance of the law also requires a revision of the sanctions in order to achieve a better match between fault and sanction. For instance, the Electoral Code sets forth that the destruction of propaganda material be sanctioned with a prison sentence¹⁰, a sanction that is clearly excessive.

D. ELECTORAL SYSTEM

The Constitution and the Electoral Code foresee elections for Congress and PARLASUR to be held on the same day as the presidential elections, which also are set to coincide with provincial elections. On April 21 President and Vice President of the Republic were elected, along with 45 members of the Senate and their substitutes; 80 of the House of Representatives and their substitutes; 17 governors; members of 17 provincial boards, as well as 18 parliament members of PARLASUR and their substitutes.

The President and Vice President are elected jointly and directly by simple majority for a period of five

⁷ Electoral Code, article 57 par.. c).

⁸ Electoral Code, article 299.

⁹ Electoral Code, article 280, 2nd par.

¹⁰ Electoral Code, article 328.

years with no possibility of re-election. Members of Congress are chosen through a proportional system of closed lists and its seats are distributed per the D'Hondt formula¹¹. Senators are elected in a single national circumscription and representatives in 18 separate electoral districts, one for each one of the 17 provinces in the country, plus one for the capital. The number of elected representatives in each province vary between 1 (Boqueron and Alto Paraguay, respectively) and 19 (Central).

The election mechanism for governors is the same one use to elect the President of the Republic, but at a provincial level (article 161 of the Constitution and article 249 of the Electoral Code), while provincial boards are chosen with the same formula as representatives and senators. The number of members for each province varies between 7 and 21, per number of voters.

Paraguay is the only member of Mercosur which since 2008 elects its parliament members by direct, universal and secret vote, simultaneously with the presidential elections, in compliance of the Constitutional Protocol of Mercosur Parliament¹². The election system of parliament members of Mercosur is the same as the one used to elect senators: sole district, closed lists, and proportional D'Hondt system.

There were two positive changes to the electoral system in these elections: firstly, Paraguayans residing abroad vote in presidential, senate and PARLASUR elections with the approval by *referendum* in October 2011 of a constitutional amendment allowing so; secondly, the automatic registration of voters turning 18 years of age following approval of the law which sets this forth on January 2012. Another recent change will be applicable in municipal elections of 2015, and it provides an open lists system.

V. ELECTORAL ADMINISTRATION

A. COMPOSITION OF THE ELECTORAL ADMINISTRATION

The maximum authority in electoral matters in Paraguay is the Superior Electoral Court of Justice (SCEJ), an institution part of the structure of the Judicial Power. Among the many duties bestowed thereto by the law 635/95, which regulates the electoral justice, are the call and declaration of nullity of elections; control, patrimonial auditing, and organization of the internal elections in political parties; setting the number of seats corresponding to each province in the House of Representatives and the provincial boards; distribution of state economical contributions and subsidies to political parties; resolution of electoral appeals; and the proclamation of elected candidates.

The SCEJ co-directs the Civil Registry and the Department of Identifications of the National Police of Paraguay, given the significant role both institutions play in the identification of adults entitled to vote. Decisions of the SCEJ can only be challenged before the Supreme Court of Justice and only through an unconstitutionality process.

In its highest hierarchy level, the Court is headed by three magistrates treated as ministers. These magistrates are elected by the Senate, which votes in groups of three candidates proposed by the Magistracy Council. Since magistrates are necessarily elected in virtue of a pact between political forces capable of reaching majority in the Senate, it is informally deemed they represent one of the three main political parties. Indeed, magistrates declare their political affiliation openly, and this is not deemed incompatible with their necessary independence as electoral arbitrators.

When this report was drafted, two of the three seats for magistrates remain vacant. In one of the cases, magistrate Modesto Monges, such vacancy came to be on February 21, 2013 when he turned 75 years of age, when, in accordance to the law, he must vacate such position. Another case is that of Juan Manuel Morales, who acted as Vice President until the celebration of elections, and he was forced to request a leave, due to public pressure, in order to prepare his retirement, following some controversial statements regarding the winner of the election (see Electoral Infractions (Faults and crimes). Morales resigned definitely to his post on May 5, filing his resignation before Congress on May 6. In absence of both

¹¹ Electoral Code, article 258.

¹² Constitutional Protocol of the Mercosur Parliament, article 6.

magistrates, a "camarista", or member of the chamber¹³, called for this occasion, takes their place in the phase of the final assessment of polling certificates by the SCEJ, which resulted in the proclamation of elected candidates on May 10, 2013, two members of the chamber were substitutes for two absent magistrates¹⁴.

B. TRIBUNALS, ELECTORAL COURTS AND CIVIC BOARDS

The structure of the Electoral Justice in Paraguay is complete with tribunals, electoral courts and civic boards. Electoral tribunals replicate the structure of the SCEJ at provincial levels, but there are not 17 like provinces, but 10¹⁵, as many as judicial circumscriptions. Just as the SCEJ, electoral tribunals are headed by three magistrates, also chosen based on political parties numbers. Included in their duties are: head and audit elections, audit voters' registry, resolve recourse against decisions of electoral courts in their jurisdiction, perform provisional counts of the elections (totaling district results) and integrate civic boards, of which we will speak further below.

Apart from the electoral tribunals, there are courts and electoral prosecutors for each province, except Alto Paraguay and Concepción, which share a court with the capital of Asunción, and Boquerón and Presidente Hayes, which share a court with headquarters in Benjamín Aceval. There are two courts in the capital district of Asunción. For each court there is also an electoral prosecutor, except in Asunción, where there is only one for both courts. Prosecutors act on behalf of society in every electoral process, whether ex-officio or upon request of a party.

Among the more noticeable attributions of electoral tribunals and courts are resolving challenges, recusals and inhibitions of judges and prosecutors of their jurisdiction, designate polling stations and the members of the electoral tables, receive and organize the distribution of materials, accreditation of representatives of the political parties and conforming the civic boards.

Civic Boards are the last step in the structure of the electoral administration. They are provisional bodies constituted from 60 days before and 30 days after elections in every district of the country. They are made of five members designated by the electoral tribunals upon proposal of the parties, always based on the representation of the parties in the Senate. The boards have the responsibility of proposing polling stations, accreditation of suppliers, and receiving and distributing voting materials.

C. TABLE MEMBERS, REPRESENTATIVES AND OBSERVERS

Without a doubt the most characteristic function of the Paraguayan electoral administration is the distribution based on party quotas of all their positions and absolutely all levels. What makes this distribution more troublesome is its exclusion of all parties apart from the three majority ones, and the fact said quotas not only apply to the highest hierarchies of the administration, but also to even the vote receiving tables.

According to article 177 of the Electoral Code, the three members of the vote receiving tables are elected among the candidates proposed by the political parties "with the most seats in Congress", which in past elections were ANR-Partido Colorado, PLRA, and UNACE. Accordingly, the rest of the parties are excluded from vote receiving tables, unless one of those three parties does not have enough number of candidates to fill its quota. If this is the case, the electoral judge would draw these vacant positions among the candidates proposed by the parties.

¹³ Member of the chamber of appeals. Probably the use of "camarista" could originate in old procedural legislation now deleted by the Civil Process Code and the Law of Judicial Organizations in force. Then, "camarista" was stilled in the local legal vocabulary.

¹⁴ Magistrates Patricia Blasco and María Elena Wapenka.

¹⁵ The 10 electoral tribunals are 1) those in the Capital and Central districts (based in Asunción, of which it is the first court), 2) Paraguairí, Cordillera, Presidente Hayes and Boquerón (also based in Asunción, of which it is the second court), 3) Concepción and Alto Paraguay (Concepción), 4) Guaira and Caazapá (Villarrica), 5) Caaguazú and San Pedro (Coronel Oviedo), 6) Itapúa (Encarnación), 7) Misiones (San Juan Bautista), 8) Alto Paraná and Canindeyú (Ciudad del Este), 9) Ñeembucú (Pilar) and 10) Amambay (Pedro Juan Caballero).

In the past elections very few vacancies were registered for table members at closing of the term to present candidacies. When there were vacancies, as in the case of the Central province, the positions were distributed among ANR-Partido Colorado and PLRA, because the rest of the parties did not provide candidates to cover the positions of table members.

The lack of candidates from other parties does not necessarily mean a lack of interest. It may be because parties have preferred to use their resources where they thought they were going to use them with certainty. The void left by the law in the electoral processes for parties apart from the three first in Congress in the last elections is for representatives and observers: each party is entitled to two holding representatives and two substitutes per voting centre, and one observer with his/her substitute per vote receiving table. Both types of representatives may oversee the voting and counting processes, make claims, and get certifications of results.

According to data of the Electoral Justice, 25 parties, movements or alliances, the vast majority of those taking place in the different elections, provided candidates for holding representatives before electoral courts.

D. PROFESSIONALISM, TRANSPARENCY AND INDEPENDENCE

In its contacts with the parties and other political spokespersons, the EU EOM has found a generalized acknowledgment of the effort of the electoral administration in terms of professional expertise and transparency. The SCEJ met all deadlines in the electoral schedule, and provided reports about them to the parties. The EU EOM has not registered any complaints about a systematically biased action of the electoral administration regarding any relevant aspect of the process.

However, some spokespersons, particularly Frente Guasú and other leftist parties such as Kuña Pyrenda and Partido de los Trabajadores, do not consider the electoral administration independent based on the way on which the three majority parties divide among them all positions of responsibility, excluding minority parties from any position other than representative or observer in the period closest to the elections.

Where the party distribution is more troublesome is at the vote receiving tables' level, because they act fully independently from any authority and do not follow any orders, just as set forth in article 175 of the Electoral Code. A practical implication of this attribution of the tables is that void votes are irrecoverable, and the count performed at the tables is final, unless the SCEJ decides to void it entirely. A legislative modification allowing other parties to be part of the tables would render an electoral administration that would enjoy higher trust among the parties.

Another particularity of the party distribution of the electoral administration in Paraguay is the fact it reaches even the institution body of workers. While estimates from the last elections counts the number of persons hired temporarily because quotas for the parties decreased compared to the prior election from about 17,000 to around 9,000, the number is still quite high and it means a very significant expense of economical resources; resources with which the SCEJ could promote its full time personnel based on their professional merits.

Furthermore, assignment of the resources in the various levels of the electoral administration is quite unbalanced and it seems to respond more to the desire of the parties to place their fill of persons in certain geographical areas than the real needs of the institution: while some levels of the administration seem to have excess budget and personnel, others are noticeable for their lack of both.

VI. VOTERS REGISTRY

A. RIGHT TO VOTE

The Electoral Code sets the rights and duties of voters and specifies in its article 91 that a person may not vote if prohibited to do so in court; deaf-mutes who cannot make themselves understood in writing or

otherwise (see *infra* human rights); drafted soldiers and classes of the Armed and Police forces, and students of military and police academies; detainees or imprisoned persons due to order of competent judge; persons condemned to custodial sentences or electoral ineligibility; and those deemed rebels in common or military penal trials.

This excluding statement is too restrictive, leaving out of the process persons which due to international commitments and standards have the right to vote¹⁶. It also fails to foresee the case of voters hospitalized or the elderly which are not capable of travelling to the polling stations. These would be aspects to be taken into consideration towards more inclusive elections, in accordance with international standards and commitments, many of which Paraguay is signatory.

B. PERMANENT CIVIC REGISTRY

The direction and audit of the electoral roll, in Paraguay called Permanent Civic Registry, is one of the responsibilities of the SCEJ. This Permanent Civic Registry has offices in all districts (municipalities) of the country. There are two ways to access it: active and passive.

The active registration campaign takes place every year between March 1st and December 31st, although only those registered prior to October 31st of the year prior to the elections may vote.

As of January 16, 2012, everyone who turns 18 years of age and meets the requirements to vote is automatically registered in the Permanent Civic Registry, i.e., passive form. For the elections of 2013 83,319 voters were registered in the registry this way.

Automatic registration is not totally free of problems. A little less than 4,000 persons registered this way in the roll did not have a registered domicile, which made the assignment of a voting locale impossible. Campaigns in the media so these persons would come to the closest registry office or provide their domicile data to the Electoral Justice otherwise (for instance, SMS), had limited success. In other cases, persons added automatically to the poll did not have precise or updated domicile data. This was not an impediment to be included in the roll, but on Election Day some of them could not have found their name in the roll of the locale where they went to vote.

The problems with the lack of domicile will go away in a relatively limited amount of time. Due to legal changes, it is no longer possible to have an identity card without providing a domicile, and, therefore, when the cards in force with this problem expire (in a term of less than 10 years, which is the term of the cards in Paraguay, as from the date of approval for the new law of January 2012), this will no longer be an issue. Having solved this problem, there will be another two currently faced by the automatic registry systems: non-updated domiciles, which will have to be addressed with informative campaigns reminding citizens they must provide their new domicile data if they want to vote in polling stations nearby, and promoting vote for the young ones, which need to be stimulated to vote with the same energy that was used to promote registration.

As to the inclusive character and its degree of depuration, two criteria by which polls are assessed, we can only make some estimates comparing the census of voters of 2013 by age ranges with the most recent population estimates, of 2011 (see ATTACHMENT number 2).

As can be seen in the chart (see ATTACHMENT number 2), in the younger ranges there is a relatively low percentage of registered voters, namely 60% in the range of 20-24 years of age (385,949 persons of a total of about 640,693), and 75% in the age range of 25-29 years (440,980 registered persons of a total of 578,454.) This lack of coverage of the younger individuals, which tend to be drastically reduced with age, will be solved with the automatic registration over the years until it will tend to disappear.

The SCEJ must not quite, furthermore, its efforts to provide cards and register voters of all ages in remote areas of the country, many of them indigenous people, sending mobile teams where it is needed.

¹⁶ American Convention of Human Rights (Pact of San José). Article 23. 2; Inter-American Convention for the Elimination of all Forms of Discrimination Against Persons with Disabilities, articles I, III. Convention on Rights for Persons with Disabilities, articles 1 and 29.

As to depuration, the graph also shows that as from the age range of 50 to 54 years, the number of voters starts being higher than the estimated population. This is in line with the existence of records of deceased persons which have not been removed from the roll. This phenomenon happens because on many occasions relatives of the deceased have no incentive (inheritance, for instance) to notify of their passing. The SCEJ is currently digitalizing decease certificates in order to speed such depuration. Other mechanisms that may be studied in order to improve the depuration of deceased persons is deleting those persons who have not exercised their right to vote for a reasonable large amount of times (three, for instance.)

An electoral roll is a tool that can always be improved. The SCEJ is well aware of the limitations of this tool and has searched for the best solutions for detected problems. The result is that political parties deem such roll as a valid and trustworthy instrument for the organization of elections.

C. VOTE OF CITIZENS RESIDING ABROAD.

From the approval of votes of Paraguayans residing abroad in the constitutional referendum of 2011, there has been little advancement in the registration of voters residing abroad. In the elections of April 21 the number of voters abroad was merely 21,981, approximately 0.6% of the roll, when according to the most conservative estimates Paraguayans residing abroad are close to one million persons.

Electoral Justice has blamed the Executive power for being slow in their registration, because it did not provide budget to that end. Some political groups have demanded, however, to move towards registration at a faster pace abroad, and they suggest the SCEJ could have requested Congress for a re-assignment of budget towards this end. Be as it may, the SCEJ and the government of the Republic must agree on budgeting enough resources so there can be a sustained advancement in an electoral registry campaign for Paraguayans residing abroad.

VII. REGISTRY OF CANDIDATES

The candidate registration system was inclusive and it secured the celebration of contested elections. A total of 11,658 candidates proposed by 14 political parties, 14 movements, 7 alliances, and 3 concentrations in 607 lists fought for 746 positions.

The Electoral Code regulates the registration of parties and candidates. It is centrally performed before the Electoral Tribunal of the Capital. Apart from this charter, the declaration of principles, bylaws and the payroll of the direction for their recognition by the Electoral Justice, parties must have a number of affiliates of no less than 0.5% of the valid votes issued in the last elections for the Senate¹⁷, and evidence they have organizations in Asunción and in, at least, four provincial capital cities in the country, which hinders the registration of regionally concentrated groups, minorities, and indigenous populations. Furthermore, in order to participate in the elections, parties must have received at least 1% of the total of valid votes issued in each of the last two elections for Congress and hold primary elections.

Forming regional political parties is not allowed, but forming transitory political movements to present candidacies for provincial and municipal elections¹⁸ is valid. Such movements are subject to the same recognition conditions as parties¹⁹. The recognition process for movement made evident an inconsistency between the Electoral Code and the Constitution regarding the legal nature of such movements. According to the Constitution, parties and movements will only be dissolved by judicial ruling²⁰. However, the transitory character which the Electoral Code grants them²¹ when rejecting the participation of two

¹⁷ 1,872,560 votes in 2008, which equals 9,362.8 affiliates.

¹⁸ Article 16 of the Electoral Code.

¹⁹ Article 88 of the Electoral Code.

²⁰ Article 88 of the Electoral Code.

²⁰ Article 125 of the Constitution.

²¹ Article 153 of the Electoral Code.

movements²² because they were deemed unfit to contest in these elections because they are dissolved after each election²³. Even though both rejected movements appealed the decision of the Electoral Tribunal of the Capital, it was confirmed by the SCEJ on March 19, 2013.

On November 2012, the deadline in the electoral schedule, there was a total of 27 parties, 16 movements, 7 alliances, and 3 concertations recognized by the Electoral Justice.

As to the registration of candidates, according to the Electoral Code, they can only be proposed by the parties, movements, alliances and concertation, not admitting participation of independent candidates, which goes against international obligations of Paraguay²⁴. Candidates must be elected in primary elections, and for these elections they took place between December 9 2012 and January 20, 2013. The term to file the lists of candidates ended on February 15, but up to April 15 disputes over the primary elections of the Partido Liberal Radical Auténtico (PLRA) of Amambay and Alto Paraná, respectively; and Avanza País in Alto Paraná, Cordillera, Central, Caazapá, Itapúa and San Pedro were not resolved, and also a resolution from the SCEJ was pending regarding primary elections of the PLRA in Misiones. Even on May 2 a ruling was issued on a registration of candidates more than 10 days after the elections. These cases show the legislation does not warrant a timely and effective resolution of electoral disputes regarding the registration of candidates within the terms set forth in the SCEJ schedule.

The Constitution and Electoral Code set forth that candidates must be Paraguayan citizens by birth, in full possession of their civil and political rights, fulfilling certain age requirements (35 years for president, vice-president and senator and 25 for deputy). A set of incompatibilities²⁵ and inabilities²⁶ to be a candidate are defined in the Constitution, and some more are foreseen at the Code. Employees paid by the State or municipalities, those convicted by final sentence to penalties depriving them of their freedom, judiciary judges, owners and co-owners of mass media, religious ministers of any creed and ministers of the executive power, among others, cannot be candidates.

During the candidate registration process, the Electoral Court verifies that the candidate is listed in the electoral roll and fulfills age requirements, but it does not examine whether the candidates incur in any incompatibility or inability, thus resulting in the registration of candidates who contradict constitutional mandates²⁷.

Instead, the lists are published, starting an elimination and challenge phase, during which political parties exercise mutual control and rectify their lists. A total of six challenges to nominations were brought before the Electoral Court in the Capital, all of which were solved following the procedure in place.

Nevertheless, the lists are not published; instead, they are made available to the parties at the Electoral Court in the Capital, so that the political parties, movements and alliances are the ones to eliminate candidates or challenge their enrollment procedure. The information regarding eliminations and challenges is not directly given to the parties and candidates affected; the information is made available and may be accessed only in Court, resulting in complaints from some movements, which did not have an opportunity to defend their nominations. To facilitate access and control, it would be advisable to make public disclosure of the lists of candidates, so parties receive information on the candidates with reasonable anticipation, in such a way that the SCEJ as well as the parties, movements and alliances could exercise sounder and more effective mutual control on candidate registration. Besides, it would be possible to spell out a scrutiny mechanism of candidates by the Electoral Justice.

²² Paraguay Libre with Justicia Social and Movimiento Nacional Indígena y Campesino “Paraguay Libre”-Ñane Reta Sa’y.

²³ Articles 16 and 78 d of the Electoral Code.

²⁴ PDCP articles 2 and 3; CIEDR article 5; CEDM articles 4 and 7.

²⁵ Constitution, articles 196, 197, 235 and Electoral Code, article 97.

²⁶ Constitution, articles 197 and 235.

²⁷ For example, an evangelic minister and the owner of a communication media were registered as candidates in these elections.

VIII. ELECTION CAMPAIGN

A. ELECTION CAMPAIGN ENVIRONMENT

According to the electoral calendar, in compliance with the regulations in force, the election campaign began on 18 February and on the media on 20 March, finishing on both cases on 18 April. The large majority of the participants did not respect these dates.

In general terms, the campaign was held peacefully, although there were some isolated incidents, mostly in the states of Caaguazú²⁸ and Central²⁹. On 4 April there were shots against the house of Jazmín Barrios, Human Resources Director of the Superior Court of Electoral Justice (SCEJ) in Asunción. Since 27 March seven directors at the SCEJ received text messages with death threats. These facts did not prevent SCEJ from carrying out its tasks.

Candidates and supporters of all political groups enjoyed a high degree of freedom of speech, movement and association. No major incidents were reported.

Nevertheless, polarization among contestants increased during the last two weeks of the campaign, intensifying its negative tone. The confrontation between candidates of Paraguay Alegre Alliance (PAA) and ANR, Efraín Alegre and Horacio Cartes, dominated an active and visible campaign in general terms, although in some areas it was rather discrete. The main contestants for the presidency, as well as their respective political movements, were highly visible in all regions. The other four candidates, Mario Ferreiro (Country Forward), Miguel Carrizosa (Beloved Fatherland), Aníbal Carrillo (Gansú Front) and Lino Oviedo Sánchez (UNACE) also participated actively in the campaign, although with less visibility.

With the exception of a few large rallies, the campaign consisted primarily in smaller size meetings, door to door campaign, caravans, painted walls, billboards and brochures of the candidates. They also used banners, posters and political advertising in the media. The social networks in the Internet were intensely used for campaign purposes, but they had a very limited impact, especially in urban areas.

The two main contestants for the presidency, Horacio Cartes from ANR and Efraín Alegre from PAA, could organize massive electoral concentrations in the last part of the campaign³⁰.

Two debates were held on 17 and 24 March among four presidential candidates, selected on the base of opinion surveys. The selection criteria were questioned by Guasú Front, which requested an appeal for protection, but could not obtain it.

Four participants (Horacio Cartes, Efraín Alegre, Miguel Carrizosa and Mario Ferreiro) talked about the topics of governance and economic development (on 17 March), and about social and environmental issues on 24 March. The participating candidates were free to express their opinions and programs concerning the topics discussed. Nevertheless, the program format prevented any form of interaction, resulting in a lack of a true electoral debate.

During the campaign, personalities played a more important role than political proposals. More than concrete programs and substantive political discussions, the citizens witnessed a campaign of accusations with ongoing repetition of mottos and emotional promises without specific solutions.

PAA was especially centred on the ANR presidential candidate and his past, as alleged drug dealer and cigarette smuggler. Efraín Alegre's strategy was to polarize the electorate and describe his proposal as part of the only "decent" alternative for the country. On its part, ANR repeatedly accused the ARLP exiting party of corruption and misappropriation of public funds.

²⁸ In Caaguazú the increased tension between the ANR and PLRA activists led to an important number of polling panels and posters being torn away in the city centre of Coronel Oviedo.

²⁹ In Itá, Central province, ANR supporters were assaulted by a group of 15 to 20 PLRA activists who were under the influence of alcohol.

³⁰ Horacio Cartes (on 5 April in Capiatá) and Efraín Alegre (on 13 April in Luque and on 14 April in Ciudad del Este) were able to muster more than 100,000 people.

Education, employment, health, eradication of poverty and corruption and the rule of law, as well as security were main topics during the campaign. None of the parts offered a set of clear proposals or real measures to transform them into actions. A series of key topics, such as land reform, which is considered essential by experts and electors, were not present in the contestants programs.

Negotiations were held between PAA and other political entities with the aim to gain support for candidate Efraín Alegre in exchange of positions in the future government and other ways of compensation. From these negotiations, an alliance between PAA and UNACE was announced on 3 April. The leaders of UNACE called their electorate to support the candidature of Efraín Alegre in the presidential elections.

The advantageous state acquisition of an estate property of the President of the Senate, Jorge Oviedo Matto (UNACE) allegedly negotiated as a guarantee of the Alliance, resulted in increased intensity of the very serious accusations of corruption against politicians, who allegedly abuse their positions to obtain economic benefits of a different sort. These accusations created a rare political atmosphere and conveyed a negative image of politics to the public opinion.

Several research centres published a series of opinion surveys in the course of the campaign. The results usually favored the political forces that paid for the studies, leading to a general lack of confidence in this important democratic tool, which became a campaign instrument.

B. PURCHASE OF VOTES

Since arrival to the country on 2 March, EU EOM received numerous believable testimonies regarding different modalities to condition the voter's willingness. Among these modalities are giving goods and services in exchange of the vote, putting ink on the fingers of political rivals or collective transportation of voters. Testimonies were considered credible because they were given by representatives of the parties purchasing the vote (ANR- Colorado Party and ARLP) or members of electoral tribunals and courts in nine of the seventeen states in the country (Caazapá, Caaguazú, Paraguari, Canindeyú, Cordillera, Central, Boquerón, Alto Paraguay and Presidente Hayes).

On the days before elections day on 21 April, members of EU EOM directly observed the purchase of votes in the departments of Caaguazú, Cordillera, Boquerón and Alto Paraguay and, on elections day, the collective transportation of voters to their voting locations in vehicles rented by the main political parties.

C. "CORRALS", AN ATTEMPT TO HUMAN DIGNITY

The most shocking practice directly observed on the days before elections was the use of *corrals*, open air fenced areas, where food and beverage are given to inhabitants of indigenous communities, until the day and time to vote arrives. These people are returned to their original communities after casting their vote, which has been purchased in advance.

It is important to emphasize that the indigenous people are not locked up in corrals against their will. They were conceived to condition the vote of the people locked there, so they do not have a chance to sell their vote to others. Although those locked up do not oppose to it, the EU EOM considers this practice is an attempt against human dignity, in view of the way the voters are reduced to electoral merchandise and firmly condemns it. EU EOM observers witnessed 7 cases of this phenomenon: on three occasions with indigenous people of Mariscal Estigarribia district and one in the Loma Plata district, both in the state of Boquerón and three other times in the Teniente Irala Fernández district, in the state of Presidente Hayes.

D. USE OF STATE RESOURCES

The main case of alleged use of state resources was the acquisition of lands belonging to Senator Jorge Oviedo Matto, by the National Institute of Rural Development and Land (Indert), just as an alleged guarantee of the agreement between PAA and UNACE.

The interlocutors of EU EOM mentioned several state companies, including Yacyretá (EBY), controlled by the state in Itapúa and Misiones, as well as Itaipú (EBI) in Alto Paraná, as important sources to finance campaigns in favor of the governing party.

The media have broadly informed about the use made by Efraín Alegre of an airplane property of Yacyretá for its election campaign. The company accounting records confirm that the entity paid for proselytizing flights made by the presidential candidate. The candidate denied that his trips in the country were paid by the EBY, although he admitted that the counselors of the binational contributed for his campaign. He was accused of benefitting illegally from at least twelve agricultural plots, which should have been given to peasant families in the framework of the agricultural reform.

The MOU UE directly observed some examples of public resource abuse in favor of ARLP and ANR campaigns in Alto Paragua, Boquerón, Guairá, Itapú and Villarrica. There is no explicit regulation forbidding public officers to participate in the campaign in their official role. The use of state resources is ruled by article 282 of the Electoral Code, which only prohibits financial contributions to campaigns by state institutions and public companies.

Public officers and even members of the government allied with ARLP candidates to participate in the numerous state inaugurations and political concentrations in the states of Amambay, Caazapá, Guairá, Itapúa, Misiones and Paraguari, as well as in the capital. The ANR acted similarly in the departments they governed, such as Alto Paraguay, Alto Paraná, Guairá and Itapúa.

E. LEGAL FRAMEWORK FOR POLITICAL PARTIES FUNDING

During these elections, the rules on parties and election campaign funding have not guaranteed a balanced and transparent regime; thereby contradicting international and regional agreements subscribed by Paraguay³¹. The legal provisions regulating political parties funding is found in the Constitution, forbidding contributions by foreign entities, as well as in the Electoral Code, which states in two different chapters regular funding of political parties and election campaigns, allowing in both cases for funds from the public and private sector (article 67).

Every year, the political parties receive public subvention of approximately 2 euros per each vote obtained in the last parliamentary elections; this is not the case with the movements or alliances, contradicting the principle of equality in the law. The subsidy is deposited in full by SCEJ during the first sixty days of the year. In 2013, a total of 34 billion Guaraní (6.4 million Euros) were distributed among the ten political parties with representation in the Congress. ANR, ARLP and UNACE received over one million Euros each. Besides, the state subsidizes election campaign activities and propaganda of the parties, movements and alliances in quantities proportional to the number of candidates elected and the number of valid votes obtained (article 276)³². The Code does not set a limit on private donations, but forbids those coming from abroad, from public entities, from companies that exploit chance games and those coming from union, employer or professional associations and multinational companies. Nevertheless, anonymous contributions are not forbidden and donations in kind are not regulated.

The political parties must present yearly a balance of income and expenditure before SCEJ, but only for the purposes of legal requirement, as these are neither audited nor disclosed. No penalty was ever imposed. Likewise, 60 days after the elections they should present a balance justifying electoral expenses, but again there is no audit, as campaigns have no expenditure limit.

On September 2012 the Congress adopted law no. 4743, “On the regulation of political financing”, which requires modification of 15 articles in the Electoral Code³³. This law sets forth new restrictions and requirements aimed at increasing transparency in party funding. It includes the obligation of political parties to keep records of affiliates, inventories, cashier, individuals and corporations making contributions

³¹ Inter-American Democratic Charter, article 5.

³² Although the law considers a limit on expense calculation, due to an unconstitutionality action from ANR (Colorado Party) in 1988, the subsidies are paid on maximum values foreseen on the said article and according to the expenses justified by the parties as ruled by SCEJ in Res. N. 100/98, declared unconstitutional.

³³ Not applied on the elections of 21 April, as it was approved after elections were called in August 2012.

and donations. The new legal provisions forbid acceptance of contributions and donations by foreign or anonymous entities and stipulate suspension of state grants and subsidies as penalty, when income and expenditure are not justified. Likewise, it makes it mandatory for parties and movements to disclose their balances.

As per SCEJ, its role has been reduced to act as a handrail, as the State Controllershship will be in charge of auditing the sources of income and all expenses incurred in by the parties during the election campaign; which is not fully clear taking into consideration that article 278 of the new law continues to give control to Electoral Justice. The new law sets a campaign expenditure limit of around 23.345,360 billion Guarani (4,3 million Euros, approximately). Movements and alliances could receive the yearly state subvention and the political groups will be accountable for the balances on primaries. The law leaves coalitions out.

This law represents an improvement on party and campaign funding rules. Nevertheless, in order to solve already evident gaps, it is fundamental to set the regulations to enact it.

F. ELECTION CAMPAIGN FINANCING AND EXPENSES

The rules applied in these elections are still insufficient, as they impose no limit or expenditure control in the election campaign. Greater access to economic resources by ANR and ARLP, in comparison to the other parties was evident throughout the campaign. In practice, the main financing sources for traditional parties' election campaigns are state subventions and collection in different fund raising events (most of them dinner parties, with the participation of party leaders).

The campaigns made by the smallest political entities are mainly financed with contributions by candidates and activists and the respective contributions of the venue. Several parties and political movements requested bank loans in order to increase their visibility during the last weeks of the campaign. There was a huge gap between ANR and PAA campaign expenses and the electoral expenditure of minority parties. ARLP publically declares that the total campaign expenditure was 53.722.000.000 Guarani (10.6 million Euros). ANR declared the amount of 15.000.000.000 Guarani (3 million Euros) and on 9 April 9th they requested a new credit in the amount of 10.000.000.000 additional Guarani (2 million Euros). For comparison purposes, the total expenditure of Country Forward did not exceed 5.000.000.000 Guarani (1 million Euros), according to their public statements.

It is clear that the public statements of the parties do not reflect the reality, as it is obvious that campaign expenses were much higher. We have to underline that "Cartes Group" lead a parallel election campaign (only for presidential candidate Horacio Cartes), with the official campaign of the Colorado Party. The expenses of this private campaign were not disclosed.

According to a study made by the firm Ibope Paraguay S.A., specialized in media, market and opinion surveys, since 1 January to 21 April, the electoral propaganda through dailies, magazines, opened TV and cable TV (Unicanal) represented for the liberal candidate, Efraín Alegre, an investment of 16.084.590.110 Guarani (3 million Euros) and for the Colorado candidate, Horacio Cortés, less than half this number: 7.645.458.360 Guarani (1.4 million Euros).

Nevertheless, in its report published on 21 May, SEEDS FOR DEMOCRACY³⁴ emphasized the role not only of the ANR- Colorado Party, but also "Cartes Group" and the Paraguay Ñande Foundation³⁵ funding the campaign of elected president Horacio Cartes and other Colorado candiadates. The information available, spanning from October 2012 to April 2013, evidences a global expense of 29.782.378.000 Guarani (a little less than 6 million Euros³⁶). According to the report, the total expenditure by ARLP was 28.224.370.000 Guarani (5.260.000 Euros, approximately). The two main parties (ANR and ARLP) got to 70% of the total campaign expenses (ANR 35,8%) and ARLP 33,9% with an investment reaching 58 billion Guarani (some

³⁴ Seeds for Democracy: <http://miradorelectoralpy.blogspot.com>.

³⁵ <http://www.nandeparaguay.org>.

³⁶ As an example, according to Seeds for Democracy, during the months of March and April 2013, the distribution between the three entities financing the campaign of Horacio Cartes was as follows: ANR, 7.697.719.000 Guarani; Cartes Group, 2.226.357.000 Guarani; Paraguay ÑANDE Foundation, 2.111.636.000 Guarani. Total March-April 2013: 12.035.712.000 Guarani (2.4 million Euros, approximately)

10.800 million Euros), approximately). All the political entities spent some 83.199.546 million Guaranis³⁷ (15.500.000 Euros, approximately)

The EU EOM considers that the absence of regulations and effective mechanisms to enforce them in terms of campaign limits, transparency, audit and funding is contrary to the good international practices in electoral matters and celebrates the efforts made to improve the legal provisions for funding in the future.

IX. THE MEDIA IN THE ELECTIONS

A. MEDIA ENVIRONMENT

In Paraguay, most of the newspapers, TV networks and radio stations are private, and the property of the media is concentrated in seven large business conglomerates. Among the public media we find National Paraguay Radio, the local radio stations Public FM Radio, Carlos Antonio López de Pilar ZP 12 Radio and the IP Paraguay National Information Agency. Besides, on May 2011 Public TV was inaugurated in Paraguay, which went on air with official transmissions in December 2011 and broadcasts a signal in both, analogical and digital format³⁸. The three main newspapers with national distribution are ABC Color, Última Hora and La Nación. Due to the strong oral tradition of the population and its accessibility in terms of cost, the radio is the media with largest reach and the main source of information for Paraguayans, especially in the country. There are three broadcast modalities in the country: private-commercial, public and community. In spite of the great importance of social networks, the citizenship continues to fundamentally depend of the traditional media to be informed on political matters and the newspapers are the ones that determine the agenda of the electronic media.

The National Telecommunications Commission (CONATEL) is the regulatory body that grants broadcasting licenses in the whole country.

B. COMMUNITY RADIO STATIONS

The first Paraguayan community radio stations were organized in the 90s, after the fall of the of Stroessner dictatorship. They are media independent of governments, political parties or commercial enterprises, which have a social purpose and they characterize because they are managed by non profit organizations. Their main characteristic is the community participation in its ownership, as well as in programming, administration and financing of the station and their programs are fully devoted to topics of interest and benefit for the community they represent. In spite of the great effort made by the community radio stations to produce contents guaranteeing information counterpoint to the main media, most of the radio-electric spectrum in Paraguay belongs to the private media, which respond to the interests of important economic groups.

Telecommunications Act 642/95 acknowledged the figure of community radio stations, and in 2004 CONATEL approved the national regulations on the characteristics required for community radio stations to obtain the broadcasting license. In spite of their scarce economic and technological resources, a

³⁷ According to the report in the period October 2012- April 2013, PDP spent 5.267.662.000 Guaraní (a little less than 1 million Euros), UNACE 5.132.924.000 Guaraní (a little less than 840,000 Euros), Beloved Fatherland 3.153.212.000 Guaraní (590.000 Euros), Guasú Front 1.857.527.000 Guaraní (345.000 Euros), PEN 1.135.051.000 Guaraní (210.000 Euros) and the other political entities 4.157.214.000 Guaraní (775,000 Euros, approximately).

³⁸ In August 2008 the Ministry of Information and Communication for Development (MICD) received the level of Ministry. The project to found public media stemmed from it. To the date of presentation of this report, the radio reach of channel Paraguay Public TV was around 25 km for the digital signal and 60 km for the analogical signal, from the centre of Asuncion.

considerable number of community media communicated important civic education campaigns and information for voters in the framework of the general elections, both in Spanish and Guarani, thereby increasing informative pluralism³⁹.

C. FREEDOM OF EXPRESSION AND WORK CONDITIONS FOR JOURNALISTS

To celebrate the Journalists' Day on 26 April 2013, the Paraguay Forum of Journalists (FOPEP⁴⁰) issued an ethics manifesto for Paraguayan journalists, arising from an initiative of the Topúa Paraguay Civil Society project, carried out by the organization Seeds for Democracy⁴¹. Adherence is voluntary and EU EOM evaluates positively this step towards reinforcing the level of quality of journalism and investigation through an ethics code, reestablishing standardized professional principles.

Paraguay descended 11 places in the Reporters Without Borders World Press Freedom Index 2013⁴². Recent cases of intimidation of journalists give raise to concern by EU EOM on the difficult economic situation, increasing vulnerability of information professionals to the pressure of political parties, authorities and media owners. On 25 April, the journalist of the Amambay Governors office, Carlos Artaza, was riddled with bullets by hired assassins while on his way home, after participating in a liberal act at Pedro Juan Caballero. The reasons for his murder are still under investigation.

In the same border region between Paraguay and Brazil, his colleague Marcelino Vázquez, director of a radio station, was killed after an attack that took place on 7 February. According to RSF, the area around Pedro Juan Caballero is a marijuana growing area, a point of entry for drug traffic and a place of constant danger for Paraguayan and Brazilian journalists⁴³. According to the Annual UN High Commissioner for Refugees (UNHCR) report on the situation of human rights in the world, Paraguayan journalists suffer intimidation and violence both, from criminal groups devoted to drug traffic in the states bordering with Brazil, and from politicians⁴⁴.

A study conducted by the Union of Journalists of Paraguay in 2008 reports the levels of precariousness in the work conditions of journalists in the media and the negative repercussions in the quality of their work, due to increased vulnerability⁴⁵.

D. LEGAL FRAMEWORK

The Paraguayan Constitution guarantees freedom of press and expression (article 26) and recognizes the right people have to receive truthful, responsible and congruent information, stating that public sources of information are free for all (article 28). In spite of this, EU EOM proved that Paraguay still does not have a legislation that guarantees free access to public information, which contradicts regional and international agreements ratified, such as the American Convention on Human Rights⁴⁶, the International Covenant on

³⁹ Projects: "Project for Democratization of Information in Paraguay" (DEMOINFO) "Voices for Democracy" and "Diversification of Voices and Exercise of the Right to Communication". See: <http://www.vocesparaguay.org.py/>.

⁴⁰ The Paraguay Forum of Journalists (FOPEP) is an independent nonprofit organization grouping journalists of different Paraguayan media interested on defending freedom of expression and press. See <http://www.vivaparaguay.com/fopep.org.py/beta/index.php>.

⁴¹ <http://topua.org.py>

⁴² http://es.rsf.org/press-freedom-index-2013_1054.html

⁴³ Reporters Without Borders, 2013 "Paraguay, journalists on their own in the face of illegal traffic". See: http://es.rsf.org/IMG/PDF/informee_paraguay.pdf.

⁴⁴ United States Department of State, 2011 Country Reports on Human Right Practices – Paraguay, 24 May 2012. See: <http://www.refworld.org/docid/4fc75a71c.html> (accessed 29 April 2013).

⁴⁵ "Communication and democracy – The role of the media building political discourse for citizens", Diego Segovia, 2010.

⁴⁶ Article 13: "All individuals are entitled to freedom of thought and expression. This right includes the right to seek, receive and spread information and ideas of any nature, regardless of borders; whether orally, in writing, in print or in artistic manner, or through any other procedure of their choice".

Civil and Political Rights⁴⁷ and the Universal Declaration of Human Rights⁴⁸. Resolution 519, approved by the Senate in December 2011, stating that documents from the High Chamber are to be handed, previous express authorization of the President of the Senate, was criticized by the Organization of American States and the Centre for Judicial Studies⁴⁹.

Contradicting the commitments ratified by Paraguay in the United Nations International Covenant on Civil and Political Rights, the legislation in force in the country facilitates initiation of judiciary processes against information professionals for defamation and calumny, with penalties of up to two years of prison and onerous fines⁵⁰. These restrictions may cause an inhibiting effect in journalists and discourage criticism.

In March 2011, the Senate ratified modification of articles 57, 58, 70, 73 and 100 of the Telecommunications Act (Law No. 642/95), introducing measures that affect the work of community radio stations. The modifications limit their reach considerably, restricting transmission power between 50 and 300 watts, introducing a prohibition to broadcast public and private advertisements and establishing jail penalties for those who infringe the law.

The International Freedom of Expression Exchange (IFEX) network states that, according to the Special Rapporteur for Freedom of Expression of the Inter-American Commission of Human Rights (ICHR), these provisions violate “the Paraguayan Constitution and the international standards in matters of freedom of expression by establishing discriminatory measures against non for profit media with a social purpose, such as community media.”⁵¹

E. REGULATION OF THE ELECTION CAMPAIGN IN THE MEDIA

The Electoral Code regulates coverage of election campaign in the media, setting the communication period as of 20 March for up to 30 days, counted retroactively before elections (18 April). The Code distinguishes between political propaganda and electoral propaganda, defining political propaganda as the propagandistic activity aimed at communicating political doctrines and information to affiliates in particular and public opinion in general (article 286), while electoral propaganda as the communication of the electoral platform aimed at arousing electoral adhesion (article 290). While political propaganda is guaranteed throughout the year, electoral propaganda is subject to the terms within the election framework.

The Code forbids to disseminate statements inciting hatred during the elections campaign (article 292), it mandates that the mass media communicate the rates of the commercial advertising times to SCEJ within the 8 days after the official announcement of the election (article 299), sets forth limitations on communication of electoral propaganda (article 301), establishes the spaces for free electoral advertising (article 302) and regulates the communication of opinion surveys results (article 305) and exit polls (article 306). Besides it details the penalties for publishing propaganda material in violation of article 292 (article 333), altering the price of the rates of advertisements soliciting the vote for a candidate in times of electoral campaign (article 337) and the publication of opinion surveys and exit polls (article 329). SCEJ Resolutions n. 40/2013 and n. 62/2013 give subsequent instructions, detailing the placement of free advertising for candidates by the media during the last ten days of the elections campaign.

⁴⁷ Article 19: “All individuals are entitled to freedom of expression. This right includes the right to seek, receive and spread information and ideas of any nature, regardless of borders; whether orally, in writing, in print or in artistic manner, or through any other procedure of their choice”.

⁴⁸ Article 19: “All individuals are entitled to freedom of opinion and expression. This right includes the right not to be disturbed for one’s opinions, to investigate and receive information and opinions and to spread them, regardless of borders, through any means of expression”.

⁴⁹ In 2012, the OAS Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption (MESICIC) stated that the Legislative Power had a setback, in matters of public information access. <http://www.cej.org.py/index.php/noticias/1278-mecanismo-anticorrupcion-de-la-oea-adopta-informe-sobre-paraguay> .

⁵⁰ Criminal code, articles 150-152.

⁵¹ See: http://www.ifex.org/paraguay/2010/07/14/iniciativa_discriminatoria/es/ .

F. EU EOM MEDIA FOLLOW-UP

The EU EOM media unit monitored a sample of 10 media since 17 March until 21 April, covering all the official elections campaign period in the media⁵². The selection of the media was made considering distribution, audience and electorate impact variables, as well as ownership and different target populations. A quantitative and qualitative analysis was done on the electronic media during the times with highest audience rates⁵³ and on the contents of written press.

A lot of the media provided free and active coverage of the elections campaign, using different formats. On 17 and 27 March, all the large audience TV Channels⁵⁴ broadcasted two presidential debates organized by the Regulation, Standards and Studies of Communication Centre (CERNECO), and the Civil Association Development in Democracy (DENDE), choosing four candidates based on the results of a survey done by the firm First – Análisis y Estudios⁵⁵. Nevertheless, interlocutors of the mission emphasized the influence of the large media group on the organizers and pointed out their lack of Independence in the selection of participants, regretting the fact that the concentration of the media in a few hands limits access to a broad range of points of view.

SCEJ conducted an information campaign for voters in the media, worthy of praise. All the TV channels observed in the framework of EU EOM broadcasted the electoral orientation ads made by the Electoral Justice Press and Advertising Department. Jointly, with the aim to reach the citizens with as much information as possible regarding the General Elections, the SCEJ designed the program “We all Vote, Paraguay Wins”, transmitted on public TV every Monday and Wednesday, since 11 March 2013 until Election Day.

The Paraguayan electronic media started covering the activities of the political actors who competed in the general elections long before the official beginning of the political campaign, arguing that, since no messages inviting to vote to any particular candidature were included, the political messages communicated before 20 March were legal political propaganda (article 286). The same article was summoned by three candidates who presented a constitutional protection action during the electoral campaign, arguing their right to freedom of expression. EU EOM states that the difference between political and electoral propaganda, as defined by the Electoral Code, is particularly changeable in the framework of an elections campaign, and has been used by candidates to spread electoral messages outside the term. This was the case, for example, with the transmission of an electoral debate three days before the official campaign starting date.

EU EOM noted heavier presence of the most popular candidates and political groups in public and private TV channels and radio stations information programs in the sample observed. Although the campaign media coverage was focused on a limited number of candidates, EU EOM noted with surprise that the less prominent among them did not take advantage of free access opportunities, an opportunity granted by the Electoral Code during the last ten days of the campaign. On the other hand, SCEJ instructions to set the time of these emissions (“preferably between 06:00 and 22:00 hours, depending on the availability of each media”) violate in practice the principal of equal treatment to all candidatures. In fact, interlocutors of the private media informed EU EOM of their intention to broadcast paid advertising according to availability of their programs, with no consideration of indications given in SCEJ resolution n. 62/2013.

On 12 March SCEJ rejected the action of constitutional protection presented by Beloved Fatherland against channels SNT, Telefuturo, Uicanal and Channel 13, accusing them of having decided arbitrarily not to broadcast one of their campaign advertisements. On 17 April, Guasú Front publically accused Channel 9 and

⁵² TV Channels: Paraguay Public TV and Telefuturo private channels (Channel 4) SNT Cerro Corá (Channel 9) and RPC (Channel 13). Radio stations: public station National Radio of Paraguay and private radio stations Ñanduti Radio and Uno 650 AM Radio. Newspapers: Última Hora, ABC Color and La Nación.

⁵³ TV Channels 7:00 PM – 00:00 AM; Radio Stations 7:00 AM – 11 AM

⁵⁴ The opened signal channels Guaraní Network, Telefuturo, SNT, Channel 13, La Tele, Paravisión and Public Paraguay TV and cable channel Uicanal.

⁵⁵ Horacio Cartes (ANR), Efraín Alegre (ALRP), Mario Ferrero (Forward Country) and Miguel Carrizosa (Beloved Fatherland).

public television of having refused to broadcast the campaign spot “In favor of condemn”, which refers to the political trial against Fernando Lugo and speaks about a “Parliamentary coup”. In both cases, the TV channels argued that the aggressive content did not comply with the Electoral Code. EU EOM considers that the prerogative of this decision does not belong to the media.

The media follow-up results evidence a broad presence of institutional advertising. EU EOM emphasizes the absence of any mention whatsoever in the Electoral Code referring communication of institutional advertising in times of election campaign, as supported by the good practices for democratic elections. In the private media were noted many infractions to the Electoral Code standards, regulating communication of opinion surveys and exit polls (see below Electoral infractions (offences and crimes)) and some media referred to the obligation stipulated by the Electoral Code to set rates not exceeding commercial rates, and to communicate the said rates to SCEJ within 8 days after official announcement of election (article 299). In spite of the evident violations to the law, the public prosecutor did not act *ex officio*.

Compared to the previous elections, a larger number of journalists were candidates in this election, and tended to abuse their media visibility to grow their popularity. EU EOM considers that, in order to guarantee all candidatures an equal treatment, the media could consider self- regulation internal codes. Although the Constitution forbids media owners to be candidates in presidential, legislative and local elections, EU EOM learned that several candidates own radio stations and TV networks or exercise direct influence on the media, property of close relatives.

The day following the elections, the Prosecutor decided to act *ex officio* in the case of the statements made by the vice-president of the SCEJ, Juan Manuel Morales on vote trends (See Electoral journey and announcement of results below) to investigate candidate Efraín Alegre for electoral propaganda in the social networks, by uploading a picture on his Twitter account showing his finger with ink and who he had voted for. Nevertheless, the prosecutor decided to disallow the case, considering that social networks accounts are not subject to public regulation, as they are a private matter.

X. HUMAN RIGHTS AND INDIGENOUS MINORITIES

A. NON DISCRIMINATION

The Constitution states the right to equality and forbids all forms of discrimination and the State shall take all necessary measures to remove its causes⁵⁶. Likewise, the Paraguayan electoral law has guarantee mechanisms, including punitive measures in view of discrimination when exercising vote. For example, it sets a penalty of imprisonment, fine and five year disqualification to vote or be voted for, in the case of officers unduly discriminating on voters to prevent them from exercising with full freedom their right to vote⁵⁷ and binds the directors of social or state mass media not to establish discrimination in favor or against any party movement or alliance in the spaces devoted to political propaganda (articles 289 and 337).

The Constitution expressly establishes the rights of the indigenous peoples, among which it foresees the right to participate in the political life of the country respecting their habitual customs, the Constitution and the law (articles 62 to 67) as well as of people with disabilities (article 58). Likewise, Paraguay has signed the main international agreements on human rights⁵⁸. During the electoral period, the United Nations Human Rights Committee (between 11 and 28 March) and the Committee for the Human Rights of Persons with Disabilities (between 15 and 19 April 2013), reviewed Paraguay’s compliance with the Covenant for Civil and Social Rights on the Rights of Persons with Disabilities.

One more thing worthy to highlight in these elections were the efforts made by Electoral Justice to promote what they have called “inclusive vote”, for participation of people with disabilities in the general

⁵⁶ Constitution, article 46.

⁵⁷ Electoral Code, article 318.

⁵⁸ See section “legal framework” above.

elections, accounting for nearly 12% of the population of Paraguay. For the first time, blind people were able to vote using the Braille system in the states of Asunción and Central.

On the other hand, EU EOM observed difficulty of access in 20% of the stations. Besides, it would be necessary to modify the law to allow the vote of people in hospitals and detention centres, of conscripts and students in official and sub-official Armed Forces and Police academies.

It is also advisable to review the legal provision in view of which are prevented from voting deaf and mute people unable to make themselves understood in writing or through other means, and those for whom loss of rights was declared in trial, which is against international regulations subscribed to by Paraguay, considering the lack of a centralized Electoral Justice register of people with mandatory loss of rights. To this respect, on 15 and 19 April during the ninth period of sessions, the Committee for the Rights of Persons with Disabilities noted with concern the limitation to vote of deaf and mute persons, as well as the lack of information about people with disability disqualified to exercise vote. In view of the above, it is recommended to arbitrate the necessary procedure for the Civic Registry to access a database of people disqualified by judiciary order and to adopt the measures leading to the review of the Code, aimed at adapting it to fit the international commitment assumed.

B. INDIGENOUS PEOPLES AND MINORITIES

Data from the 2011 census is not available. According to data from the 2002 Indigenous census from the General Direction of Statistics, Surveys and Census, the indigenous population in Paraguay represents 1,7% of the total population (87.099 people registered), although at a regional level it is noted that in the Western Region or Chaco (including the states of Presidente Hayes, Boquerón and Alto Paraguay) the indigenous population accounts for 31% of the total population, reflecting its importance in electoral terms at local and regional levels. In the Eastern Region, there is a minority presence compared to the national population, but in three states they reach the numbers of significant minorities (Amambay with 12,1%, Canindeyú with 11,1% and Caaguazú with 8%).

Nevertheless, the electoral law does not mention indigenous people, and indigenous presence in elective office positions continues to be none. From a positive point of view, during this election three political groups nominated some indigenous candidate⁵⁹, but no political party or movement claimed representation of their interests. EU EOM observed the lack of visibility of indigenous candidates, as well as the lack of topics of their interest during the campaign, even in the case of a central topic, such as land reform⁶⁰.

Taking into consideration the interest of indigenous leaders, evidenced by a minimum but significant participation in this election, it would be advisable to develop the implementation of inclusive policies that, as in the case of women, foster indigenous insertion in elective offices. Traditional parties⁶¹ nominated Mennonites for elective office of governor and deputy in the state of Boquerón, of which only the Governor of Boquerón, Edwin Pauls Friesen, was elected.

According to the Constitution, Guarani and Spanish are official languages, but not all the population is bilingual. The 2002 census reports the Guarani language as majority, as 86% of the population speaks it. 27% of the population only speaks Guarani –this group is referred to as “Guarani monolingual”- predominantly rural segment which presents a particularly disadvantageous social situation and discrimination in view of their language. Although it is considered as official, the standardization and institutionalization process of Guarani as a language used by the state is in its initial stages. Thus, EU EOM applauds the effort made by SCEJ, which presented Guarani translation of the Electoral Code. SCEJ and the

⁵⁹ The Kuña Pyrenda party had 3 female candidates to the Senate, 2 female candidates to ARLASUR and 5 Candidates to the Departmental Legislation in Boquerón, while the Guazú Front Alliance postulated a candidate to Governor and 9 candidates to members of the Departmental Legislature in Boquerón, and the Independent Constitutionalist Movement in Alliance (MICA) had 1 candidate to Senator.

⁶⁰ See section on election campaign.

⁶¹ ANR and Chaqueña Passion Alliance (which gathered Beloved Fatherland, National Encounter Party and ALRP).

Linguistic Policy Ministry launched the edition of the Electoral Code in Guarani on 18 April 2013. Besides, instruction and training materials for use in the next elections were produced.

XI. PARTICIPATION OF WOMEN

The Paraguayan legislation bestows equality upon men and women to exercise political rights. The Constitution expressly foresees promotion of women access to public office. On the other hand, the Electoral Code includes a positive discrimination provision in favor of women, by stating that one of each five candidates in the parties and movement primaries list should be a woman.

However, the party or movement is free to set the order of precedence in the list⁶², in view of which a large portion of the female candidates are in positions with no possibility of election. Likewise, the Electoral Code does not foresee a minimum quota for women in the electoral candidate lists.

With 38,3% female candidates, the percentage of women elected is still below the 20% quota. Nine of the 45 members of the Senate (20%)⁶³ are women; as well as 12 out of 80 deputies (15%)⁶⁴; one of 17 governors (6%)⁶⁵; 3 of 18 deputies of PARLASUR (16%)⁶⁶ and 37 out of 228 member of departmental legislatures (16,22%)⁶⁷. These numbers confirm that effective measures aimed at increasing the level of representation of women in election offices are still necessary. In March 2013, the United Nations Committee for Human Rights⁶⁸ voiced concern for the low level of representation of women in the Congress.

The electoral roll was made up by 48,72% of female voters and 51,27% of male voters. Since this is an active voters registration system, almost 3% more men in the role suggests the need to conduct campaigns for registration and to issue identification cards targeted to women, emphasizing the most underprivileged rural areas, where the percentage of illiterate women is still higher than men. With regards to participation, it was similar between men and women.

In the framework of the election campaign, in spite of the fact that the parties did not send electoral messages targeting female vote, two gender issues were brought up in the last part of the campaign, forcing the candidates to assume a position with respect to the union of people of the same gender and decriminalization of abortion. Gender topics were present only in the electoral program of *Kuña Pyrenda*, a party fundamentally made up by women, which presented two female candidates to presidential duo with the participation of indigenous women candidates to the Senate, *Parlasur* and Departmental Legislations.

EU EOM has noted that women are well represented in lesser responsibility administrative categories, while only two of the 16 electoral judges and 7 of the 30 members of electoral courts are women. The Women's Ministry is conducting an awareness campaign so that one member of the SCEJ is a woman. Momentarily, two judges of courts of appeal are temporarily part of the SCEJ⁶⁹ along with the president.

⁶² Electoral code, article 32 r.

⁶³ Senators: ANR 3, ARLP 4, FG 1 and PDP 1. In 2008, 7 senators were elected.

⁶⁴ Deputies: ANR 5, ARLP 3, AP 2, UNACE 1 y BF 1. In 2008, 10 deputies were elected.

⁶⁵ Marlene Ocampos from the ANR in the state of Alto Paraguay. In 2008, only one female governor was elected in the state of Canindeyú from ANR.

⁶⁶ Deputies of PARLASUR: ARLP 2 and ANR 1. In 2008, 3 deputies from PARLASUR were elected.

⁶⁷ CONCEPCIÓN: 3 = 2 ANR, 1 ARLP, SAN PEDRO: 1 ARLP, CORDILLERA: 3 = 2 ARLP, 1 ANR, GUAIRA: 3 = 2 ANR, 1 ARLP, CAAGUAZÚ: 4 = 2 ANR, 1 ARLP, 1 FG, CAAZAPA: 2 ANR, ITAPÚA: 2 = 1 ANR, 1 ARLP, MISIONES: 3 = 2 ANR, 1 ARLP, PARAGUARI: 3 = 2 ARLP, 1 ANR, ALTO PARANA: 3 = 2 ANR, 1 ARLP, CENTRAL: 3 = 1 ANR, 1 ARLP, 1 AP, ÑEEMBUCU: 1 ANR, AMAMBAY: 1 ARLP, CANINDEYU: 1 ANR, PDTE. HAYES: 2 = 1 ANR, 1 FG, ALTO PARAGUAY: 1 ANR. BOQUERON: 1 ANR.

⁶⁸ Final observations on the third periodic Paraguay report approved by the Committee in its 107th session period (11 to 28 March, 2013), No. 10.

⁶⁹ Substituting Modesto Monges (UNACE) and replacing Juan Manuel Morales (ANR).

XII. NATIONAL AND INTERNATIONAL ELECTIONS OBSERVATION

The elections in 2013 have been the most observed elections in the democratic history of Paraguay. On 10 April, when the certification of international observers term expired, there were 491 certified observers and 86 more awaiting confirmation, belonging to 12 different organizations, namely, the European Union, Union of South American Nations (UNASUR), Organization of American States (OAS), Union of Latin American Parties (UPLA), Union of Electoral Organizations (Uniore), Christian Democratic Organization of America (ODCA), Parliamentary Confederation of the Americas (COPA), Latin America and Caribbean Network for Democracy (Redlad), Latin America Election Experts Council (CEELA), Inter American Bar Association (FIA), Ecuadorian Committee of Human and Union Rights (Cedhus) and the Electoral Institute of the State of Guanajuato.

Of all the above, the ones with more visibility and media presence were OAS, UNASUR and the European Union. OAS had 68 observers in Paraguay and 11 more in the countries where Paraguayans registered abroad voted (Argentina, United States and Spain). UNASUR deployed 59 observers in the electoral journey, which were in 8 states and in Argentina. The European Union deployed 11 observers in all the states of the country. Besides, the Latin America and Caribbean Network for Democracy associated with the NGOs Seeds for Democracy, Let's Decide and other civil society organizations in the project "Participate for Paraguay", with the participation of some 1,000 volunteers during the electoral journey.

Elections observation contributed to the confidence of the political actors in the process. Their role was particularly important to accept the transmission of preliminary electoral results (TPER), which was questioned the days before the electoral journey (see below *Election Results*). EU EOM suggests that in future electoral processes observation is regulated, so that there are no doubts as to who may observe the elections and in what conditions.

XIII. ELECTORAL JOURNEY AND ANNOUNCEMENT OF RESULTS

A. OPENING AND VOTING

The electoral journey was held in a generally peaceful manner, marred only by isolated incidents not directly related with the electoral process itself, such as the attacks of the Paraguayan People's Army (EPP) in the state of Concepción, which left two people dead and four wounded; speculation on the possible discovery of an alleged plan to attempt on the life of candidate Horacio Cartes and the death of a girl after the celebrations following the announcement of election results.

EU EOM deployed 11 observers in the 17 states of the country and the capital district. According to the final results of the statistical analysis of the electoral journey, EU EOM observers visited 580 polling stations, and one third of them were visited during opening.

Voting start times were not punctual in one out of three cases, due to the absence of members in the station, lack of knowledge or experience or lack of organization. Nevertheless, in most cases there was strict or large adherence to opening procedures.

In nearly one fourth of the tables observed, there were elements that could influence the voters' decision. The most frequent impediment observed was the organized transportation of voters, witnessed by EU EOM observers in 77 cases. Besides, physical impediments for access to people with disabilities were seen in 20% of the polling stations.

⁶⁹ Substituting Modesto Monges (UNACE) and replacing Juan Manuel Morales (ANR)

The parties with the largest number of representatives and viewers, according to EU EOM, were ANR Colorado Party, present in 81% of the polling stations observed, were ANR- Colorado Party, present in 81% of the poll stations observed; Paraguay Alegre Alliance in 50%, UNACE in 28%; Guasú Front in 16%, Beloved Fatherland Party in 7% and Country Forward in 6%. None of the remaining parties was present in more than 1% of the poll stations observed. There was not a notorious difference in terms of the number of men and women at the poll stations, although the number of women was larger.

The observers considered that one out of each ten polling stations did not protect or guarantee secrecy of the vote sufficiently, due to the improper use of screens, improper layout of polling stations or excessive crowd around the stations.

In general terms, voting procedures set forth in the Electoral Code and the manual for members of polling stations were respected. Verification of ink on the fingers and proper instructions to voters were the procedures that failed more often, according to EU EOM observers.

In their opinion, the incorrect application of procedures was due to defective training of the poll station members, unclear instructions offered or lack of competence. In spite of that, more than 90 percent of the stations observed had positive evaluations (outstanding or good) with respect to understanding the party representatives had of their role in the stations, the voting process transparency and the set of operations associated to casting the vote.

B. CLOSING AND TALLYING

EU EOM observers were present during closing and tallying of 40 poll stations.

Only half the stations closed at the time foreseen. The other half closed, mostly, within an hour. The reason for late closing was that at the official closing time (four in the afternoon), there were still voters in line to cast their vote.

Only a few procedures were not strictly followed in a regular manner. Among these, correct reconciliation of the number of ballots with the number of voters stood out. According to EU EOM observers, the reason why these procedures were not followed was lack of competency of the station members or their deficient understanding of the procedures.

Notwithstanding the above, in the vast majority of cases, incorrect application of procedures had little impact on results. Observers only witnessed one official complaint in the closing and scrutiny process. More than 80% of the stations observed had positive evaluations (outstanding or good) with regards to the general performance of the members of the polling station and reflection of the electors will.

C. TRANSMISSION OF PRELIMINARY ELECTORAL RESULTS SYSTEM (TPER)

One of the key pieces for confidence⁷⁰ during the election was the new Transmission of Preliminary Electoral Results system (known with the acronym TPER)⁷¹. The system, which was successfully used in previous elections, added as a new feature in this electoral process scanning and internet transmission of results certificates to a computing centre in Asunción.

97% of the voting stations had a lap top and a scanner to generate and transmit digital results certificates. The polling station members were instructed to fill out results certificates after finishing tallying each of the

⁷⁰ After elections and in view of TPER success, Panama was the first country to present an official request for technical and human cooperation to implement the digital system created by Paraguayan IT experts. Besides, Nicaragua, El Salvador and Honduras expressed their interest on TPER, along with electoral organizations in Ecuador and Uruguay.

⁷¹ SCEJ Resolution n. 33/2012. Article 1: Definition: "Transmission of preliminary electoral results (TPER) is an informal, non binding information system that allows transparency in electoral results by informing, in the shortest time possible, the results of elections, so that the citizenship, the media and the candidates to different offices may be informed, while the official results of the provisional tallying by the Electoral Courts and the final scrutiny of the Superior Court of Electoral Justice (SCEJ) are known.

six elections, giving priority to the certificate over the scrutiny of the next election. Certificates scanned by an Electoral Justice officer were sent through Internet to the computing centre in Asunción where, after verification, were published in the web for public scrutiny. In 3% of the cases, among which are the vote certificates abroad and the polling stations lacking internet access, the certificates were read over the phone. Although all the certificates received were published in the web, the SCEJ only published aggregated data of 99% of those for presidential election, 98% for Senate and 94% for Congress.

The success in the results transmission operation should be attributed to detailed planning of seven drills conducted within two months before elections, where representatives of political parties and international observers of EU and OAS participated. As a result of its repeated trials, SCEJ was able to fulfill its commitment to deliver stable presidential election results before 8 PM on Election Day.

Nevertheless, the announcement and acknowledgment of preliminary informal non binding results of TPER was threatened by the behavior of some media, which reported throughout the journey estimated election results based on exit polls, a practice clearly forbidden on article 306 of the Electoral Code until one hour after the closing of polling stations. The fact that they referred to the candidate estimations with false names or initials show that the media knew they were breaking the law. The flagrant violation of this prohibition did not initiate action from the prosecutor.

The unacceptable statements made by the SCEJ vice-president, Juan Manuel Morales at 11 in the morning on the electoral journey, confirming the results of these polls and calling the ARLP supporters to admit defeat, further worsened the potential negative impact of the polls and forced the president of SCEJ to disavow Judge Morales in public.

The operation security measures turned out to be adequate. The netbooks used to scan and transmit certificates have batteries that guarantee two to three hours of autonomy in case of interruption to electric power and the Asunción computing centre provisioned three generators in case of a black out. The programs to process the certificates were developed by Paraguayan engineers using opened code free software. All of the code is property of SCEJ, granting the electoral administration of the country full control of the process.

In spite of the above, security in the transmission operation could be improved in three ways. First, an external company could be requested to certify the software. Second, the results are not transmitted through an independent line, but through a private telephone network belonging to the telephone companies Tigo and Personal, leaving part of the responsibility of secure transmission on their hands. Lastly, an external security company could certify access to the data centre, which today may be accessed by employees using transferable, non personal cards; thus providing greater security.

D. PROVISIONAL TALLYING AT THE ELECTORAL COURTS AND FINAL TALLYING BY SCEJ.

Provisional tallying of electoral courts began on 22 April at 1 in the afternoon and ended, according to the timeline, on 2 May. During this period, electoral courts added up the results in the counting protocols of the polling stations. The process was followed by representatives and seers of the political parties and EU EOM observers.

According to the observers, the tallying processes were respected in the vast majority of cases. One of the gaps observed during the tallying phase was the existence of blank certificates in the departments of Concepción, Caaguazú, Itapúa and Alto Paraná. The general evaluation was positive: in more than 80% of the visits made to department computing instances, the centres had an outstanding or good evaluation with regards to procedures understanding, general performance of centre members and process transparency.

At the end of the process, the electoral courts issued provisional district and state tally certificates and handed them to party representatives.

E. ANNOUNCEMENT OF FINAL RESULTS

As of 3 May, compliant with the timeline, SCEJ made the final tallying and announced the offices elected through the six elections as of 10 May, after adding up state tallies and solving challenges. On that day, at the venue of the Central Bank of Paraguay in Asunción, the President and Vice-president of the Republic were proclaimed along with those elected for the office of senators, deputies for Asunción and parliamentary for PARLASUR. On the same 10 May were proclaimed the governor of the Central state as well as the deputies and members of the departmental legislation. On 11 May the announcement of governors, deputies and members of departmental legislation of the states of Itapúa, Cordillera, Caaguazú, Misiones, Ñeembucú, Concepción, Canindeyú and Caazapá was made. This took place in the different government venues of the districts mentioned. On 12 May were announced the elected state authorities of Alto Paraná, Amambay, San Pedro, Guairá, Paraguari and Alto Paraguay. The announcement of state governors, deputies and city councilors of Presidente Hayes and Boquerón took place on 13 May, at the state government venue of Presidente Hayes in the venue of Boquerón.

XIV. CONTESTATIONS

A. ELECTORAL RESOURCES

The resource and contestation system during the pre-electoral phase is generally adjusted to the international principles bestowing the right to judicial protection and right of appeal. Resolution of electoral disputes corresponds to Electoral Justice, particularly the electoral courts, the electoral tribunals and the SCEJ. In electoral matters, the legislation foresees resources, action of unconstitutionality, appeals for protection, claims and contestations.

Electoral judges deliver judgment at first instance for cases on electoral offences and resources against decisions on voter's registration. The Electoral courts decide on resources of appeal for protection against decisions of Electoral Judges and SCEJ knows of resources against decisions made by Electoral Courts and Electoral Register.

SCEJ decisions may only be appealed against before the Supreme Court of Justice, through unconstitutionality action. The Electoral Justice Act establishes the procedure with the shortest terms in the case of electoral disputes dealing with contestation of candidatures and elections nullity⁷². In spite of the above, neither the procedure nor the terms guarantee effective solution of electoral disputes on candidate registration⁷³. Besides, the procedure established by the law for electoral periods, since election call to announcement of elected candidates⁷⁴ is inapplicable, thus rendering superfluous the legal procedures in the Electoral Justice Act. Similarly, as stated on article 41 of the aforementioned act, only the representatives of the parties, movements and political alliances have active legitimacy, which should belong to all the stakeholders in the process, in compliance with of good electoral practices.

B. RESULTS CONTESTATION

On Election Day, the Electoral Code sets forth that the polling station is sovereign and its members have the obligation of deciding on the spot all on all claims, consultations and doubts arising during voting⁷⁵. When the tallying of votes has concluded, all claims and contestations regarding the way the polling station is made up, votes and results are summarily settled⁷⁶. The polling station decides on majority. The results set at the station are not subject to modification; only SCEJ has the power to nullify the polling station on the grounds of the causes foreseen. All incidences should be registered in the tallying protocol, so they may be alleged as grounds for nullity of the polling station (preclusion principle).

⁷² Electoral Justice Act, article 49

⁷³ See candidate registration above.

⁷⁴ Electoral Justice Act, article 38.

⁷⁵ Electoral Code, articles 175 and 184 f).

⁷⁶ Including claims regarding polling station make-up by substitution

Among others, general condition of violence, votes of people not listed in the roll, violation of vote secrecy and coercion from the authorities are grounds for nullity. The declaration of nullity may refer to a polling station, district or electoral college.⁷⁷ Besides, the only resource against resolutions by SCEJ is the action of unconstitutionality before the Supreme Court. This means that the results may be contested at a single instance at the level of the polling station, and the members thereof are the ones who settle challenges.

During the provisional tallying stage in the 10 Electoral Courts, article 234 does not expressly foresee the possibility of bringing up claims regarding tallying protocols or to modify results. Nevertheless, resolution n. 71/2013 of the SCEJ allows the representatives participating in the provisional tallying phase to bring up claims. This action translates in the possibility, during the final decision phase before SCEJ to open another envelope⁷⁸ kept by SCEJ itself, which may be opened to verify the results only in case of contestation during the provisional tallying stage⁷⁹. Finally, the SCEJ plenary rule under the law the claims brought up and make the final tallying. Of a total number of 306 contestations, 234 were rejected deemed inadmissible, 72 were admitted favorably, 12 polling stations were nullified in total and 6 only for one office, through Agreement and Sentence no. 14/2013 on 9 May of the SCEJ, announcing the final results.

The need for a procedure to review possible provisional results and eventual post-election claims not limited to the polling stations, (such as informatics upload of results) was evidenced in the case of ARLP and the Beloved Fatherland (BF) parties, which contested Senate seat 45, with a difference of 66 votes. BF argues having noted errors in during the upload of results (digitalization) of the provisional tallying results in the Capital Electoral Court, when compared to their original tallying certificates, which would need to match the original tallying protocol.

BF requested upload of around 137 votes not tallied by mistake which, on its opinion, would give them the seat contested. BF supposed that these mistakes had occurred at some point of the upload process or when the final values were consigned. Nevertheless, on 6 May, SCEJ ordered analysis of envelopes 2 and 3 of the polling stations challenged by BF. At the Agreement and Sentence n. 14/2013, SCEJ expresses that after analyzing the protocols in the said envelopes, they verified that the results there stated matched the upload on the computing system, except for two stations, in view of which they ordered correction of the number of votes obtained by BF. We must point out that in the aforementioned Agreement and Sentence, SCEJ stated that, had the claim been brought up in due opportunity (which means, formally challenging the provisional tallying phase), they would have opened envelope n. 1⁸⁰.

On 17 and 20 May Beloved Fatherland unsuccessfully submitted a clarification resource and an extension to the clarification resource, respectively, before SCEJ against Agreement and Sentence 14/2013, requesting to attribute 45.326 votes (instead of 45.168) to the Senate list, referring to the departments of Asunción, Itapúa and Paraguari, after comparing the provisional tallying protocols and the final results contained on Agreement and Sentence n.14/2013 issued by SCEJ.

Finally, Carlos Maria Soler, Beloved Fatherland candidate to the Senate, contested SCEJ Agreement and Sentence n.14/2013 with an unconstitutionality action before the Supreme Court of Justice on 22 may, requesting stay of execution for the effect of the Agreement and Sentence referred to, which is to prevent Senator Roberto Acevedo from ARLP, current incumbent of seat 45 at the Senate, from taking oath and assuming office. As grounds for the unconstitutionality action presented, Soler argues arbitrariness of the Agreement and Sentence, condition of defenselessness and the serious omission to respect popular sovereignty represented by vote, among other Constitutional provisions violated in the SCEJ resolution in question.

Besides, it requests to render unconstitutional the same Agreement and Sentence in contested and pertinent items, in such a way as to modify final tallying of votes in senators' candidatures.

⁷⁷ Electoral Code, article 308.

⁷⁸ According to provisions in SCEJ Resolution n. 74/2013

⁷⁹ During the provisional tallying phase envelope no. 2 is opened. In case of a claim by any certified representative it is possible to request envelope n. 3 to be opened in the case of claims before the Electoral Court, in the case of certificates with no results and missing polling stations, for final ruling and tallying comparing envelopes 1, 2 and 3.

⁸⁰ According to article 5 on SCEJ resolution n. 74/2013.

At the closing date of this final report, the Supreme Court did not decide upon the subject yet. EU EOM estimates, considering that specific case, needed a reform of the Electoral Code regarding challenges to the results in the post-election phase.

C. ELECTORAL OFFENSES (MISDEMEANORS AND CRIMES)

The Electoral Code⁸¹ includes, among other offenses, voting more than once; retention of identity documents; the exercise of violence; military and police opinions on political matters, and their attendance at political meetings; violations to fixing posters, and destruction of campaign materials. Electoral crimes are conducted in the ordinary criminal courts and not before the electoral justice. Penalties for electoral crimes include fines, disqualification to vote and to be candidate, and custodial sentences (prison). The Electoral Code stipulates that electoral crimes do not qualify for release on one's own recognizance. Prison sentences for destroying election materials or fixing of posters in unauthorized places, are excessive and against Paraguay's international commitments; therefore, is recommended to review them.⁸²

In the context of this election, besides the purchase of ballots and use of fenced, open-air spaces (*corralones*)—both deserving their own chapters in the report for their severity—⁸³ there are other three salient electoral offenses: a) campaign rallies after the deadline⁸⁴; b) disclosure of opinion polls' results within 15 days prior the election day;⁸⁵ and c) dissemination of opinion polls and exit polls, up to an hour after the closing time set for the polling stations⁸⁶.

All provisions that prohibited them were violated, either by constitutional protections that favored some political groups for campaigning before the period allowed, or by dissemination of results of opinion polls in a period of time prohibited. These are protected by an unconstitutional exception of 2002, which *inter partes* effects favored a journal, while all other media were subject to the statutory prohibition. In the latter case, the disclosure of the results of opinion polls and exit polls by various media, when the election time frame had not finished. This was a total violation of the electoral law and showed the utter failure of the authorities to stop it, under pretense that no names given. The Office of the Prosecutor General's campaign "Don't sell your vote" was positive, but still there was a total of 184 complaints, 71 of which were classified as electoral crimes, six of which were sent to trial, and 113 were considered electoral misdemeanors. Although sanctions are provided for to the commission of electoral misdemeanors, they are not enforced for lack of procedure for their implementation.

XV. RESULTS

A. ANALYSIS OF 2013 GENERAL ELECTIONS RESULTS

2,409,437⁸⁷ Paraguayans visited the polling stations on April 21. The turnout of the day was 68.5%, a remarkable rate of participation when compared with other recent elections; however, one needs to consider that voting is mandatory in Paraguay, although abstention is not punished in fact. There were

⁸¹A misdemeanor, as well as a crime, describes an unlawful (contrary to law), typical behavior (defined in a statute), unlawful (against the law); however, by law, it is processed as a misdemeanor, due to its lower severity, and given that its consequences are not different. Thus, their penalties are much smaller than those for crimes, because they would never turn into prison sentences; they could be as simple as, community service, fines, or just monitoring for a short period of time.

⁸²ICCPR, Art. 2; UDHR, Art. 10 and 21.

⁸³ See above *Electoral Campaign*, paragraphs B and C.

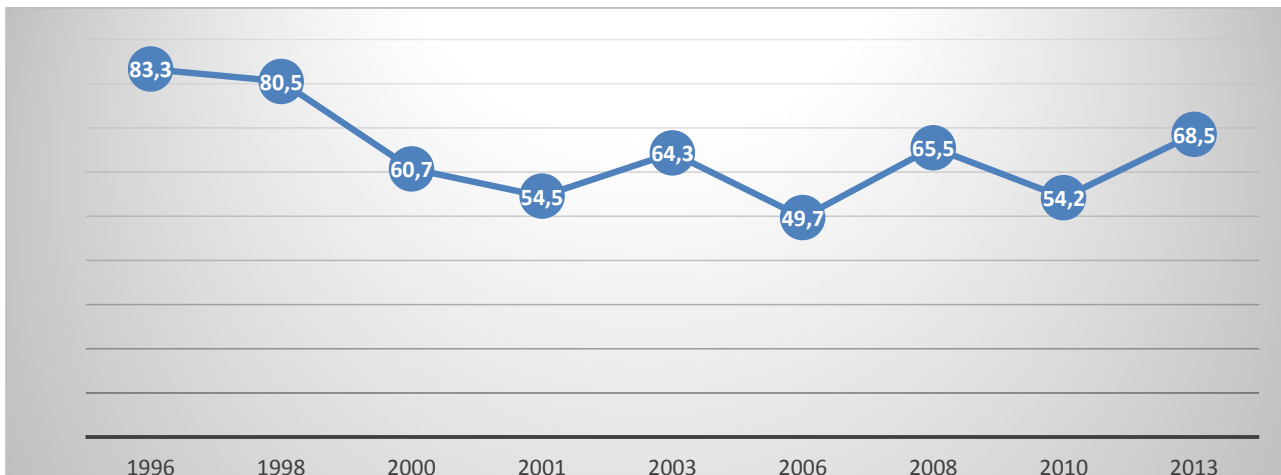
⁸⁴ According to the election schedule, the campaign was allowed from February 18 to April 18, 2013.

⁸⁵ According to the election schedule, effective April 7 it was banned.

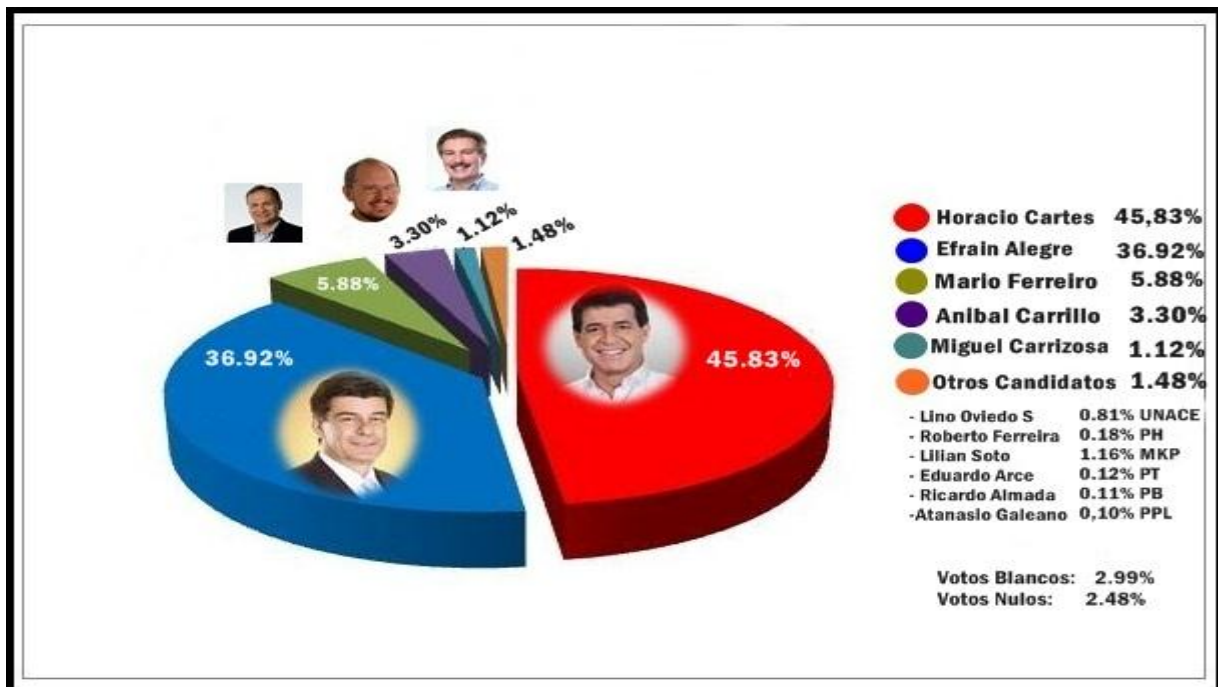
⁸⁶ Set to 16:00 hrs. by the electoral authority.

⁸⁷ There were 2,400,424 electors in Paraguay; and 9,013 abroad.

59,637 invalid votes (2.47% of the total votes' cast), and 72,066 were white (2.99%). This together would make the fourth congressional caucus⁸⁸.



PRESIDENT OF THE REPUBLIC OF PARAGUAY



Horacio Cartes got more than a million votes (1,104,169 representing 45.83%); and a lead of over 200,000 votes over Efraín Alegre (889,451, representing 36.92%). The president-elect won in 16 of the 17 departments (all but Cordillera). In the capital and the departments of Alto Paraná and Itapúa, Cartes managed to have a lead of almost 120,000 votes over his main opponent; therefore, this was a decisive fact for the victory of the Colorado candidate. According to a very common interpretation, the president-elect had a united and very disciplined *colorado* vote; part of the UNACE vote, disappointed with the agreement of their party leadership with the PLRA; the useful vote of the electorate on the left, who voted for the "lesser of two evils" (liberals are still considered to favor coups and being traitors); as well as an important part of the independent vote, with excellent results in Asunción.

His main rival, the candidate of the ruling party Efraín Alegre, won 36.92% of the vote; and won a historic acceptance representing the PLRA and received more votes than Fernando Lugo in the 2008 election. This result can be explained mainly by the liberal voting discipline and its allies of *Alianza Paraguay Alegre* (PDP,

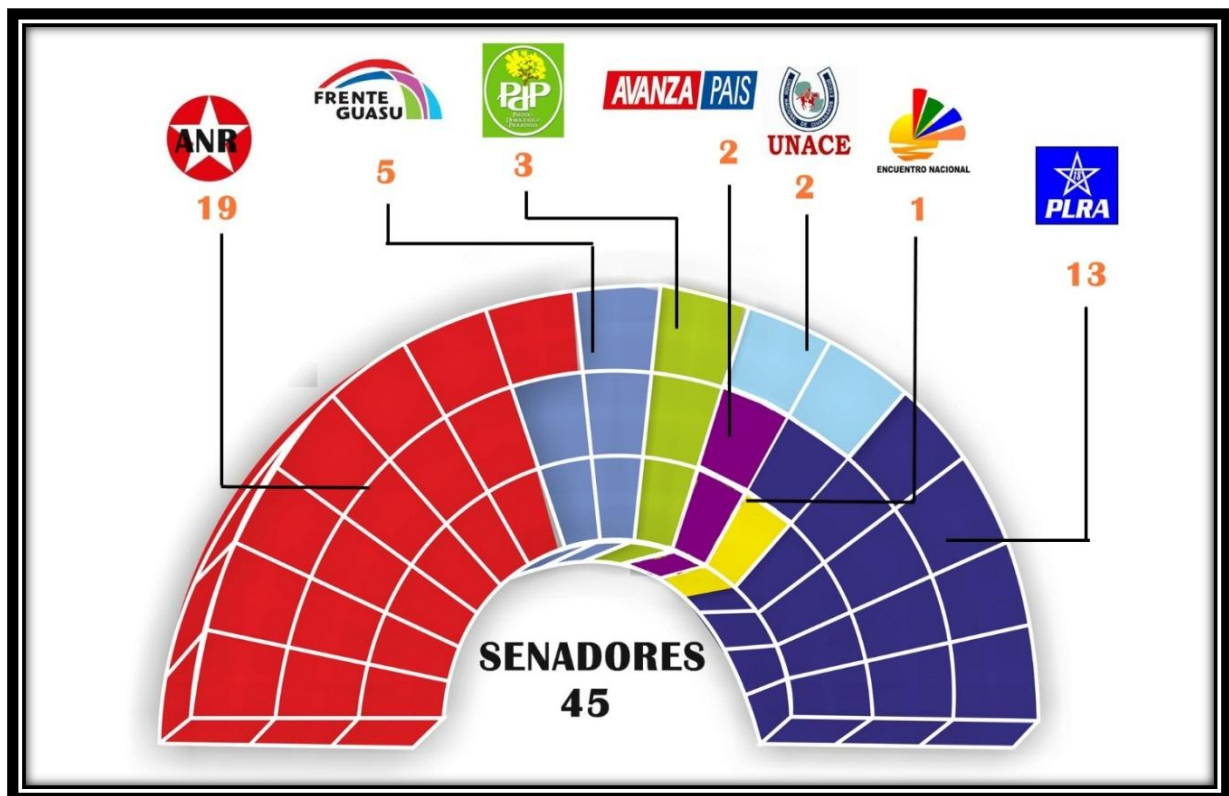
⁸⁸The vote in person was allowed in Argentina, United States and Spain, rendering 21,981 registered voters. For the election to President of the Republic, voted 6,166 of the 16,149 registered voters in Argentina (253 white votes and 164 null votes); that is, 38.18%. In the United States, voted 1,187 of the 1,795 registered voters, i.e. 66.13% (17 white votes and 10 null votes.) In Spain, finally, were 1,660 of the 4,037 voters, i.e. 41.09% (28 white votes and 39 null votes.) Overseas global participation rate was 41%.

PEN, and PSD). The main factors of defeat were the treachery of his own ally after the impeachment; wide disappointment with President Franco's government; several complaints of corruption and embezzlement, and other errors (problems with internal elections, lack of coherence between leaders, etc.)

Far behind Mario Ferreiro scored less than 6% of the vote (141,716), ending far away from the forecasts proclaimed by pre-election polls (perhaps considering the useful vote for Horacio Cartes). Anibal Carrillo, from *Frente Guasú*, with a little more than 3% (79,573); the rest of the candidates did not meet the threshold of 4%.

This election brought the historical novelty of Paraguayans voting while living abroad, with a participation rate of 41% (9,013 of 21,981 registered voters). What happened within the country, was different to what happened abroad, where Efraín Alegre and the political organization he represents, won by a narrow margin in the polling stations in Argentina, Spain and the United States (3,406 for APA, and 3,336 for the ANR.)

SENATE OF THE REPUBLIC OF PARAGUAY



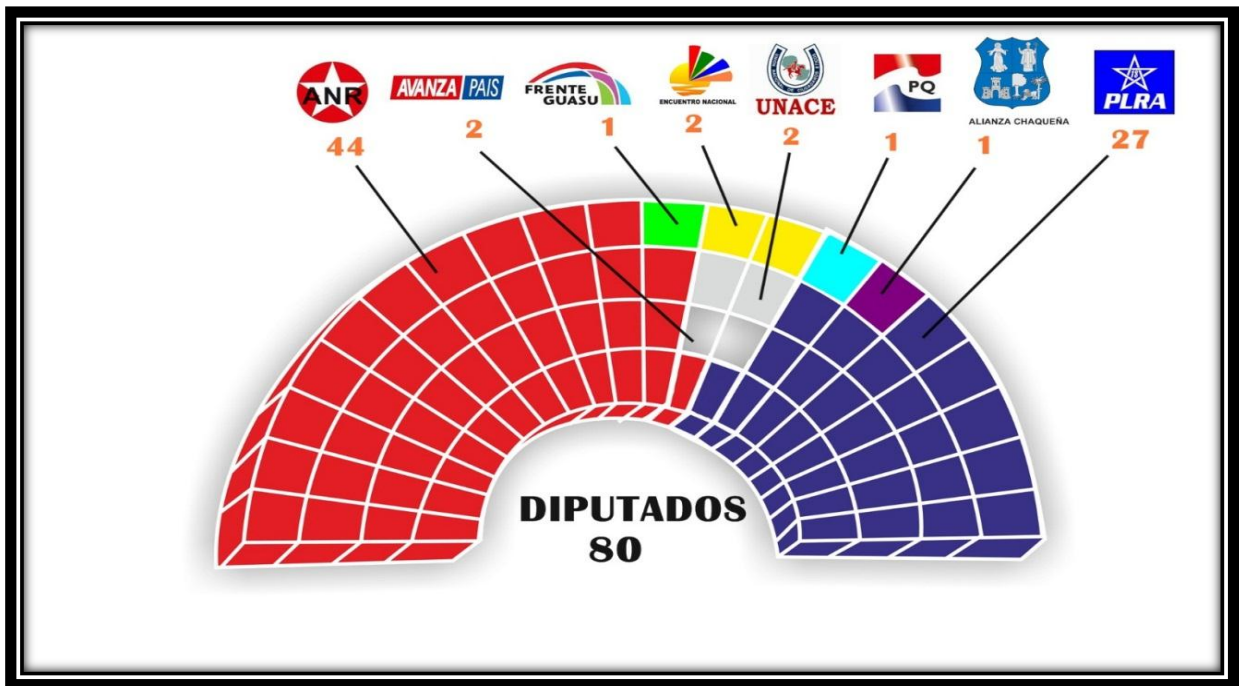
The ANR⁸⁹ won 19 seats and needs four more to achieve a majority in the Senate. The PLRA caucus has 13 senators (15 in 2008), while the split leftist organizations, i.e. *Frente Guasú* and *Avanza País*, totaled 7 seats. The Partido Democrático Progresista (PDP), a political entity that calls itself democratic-socialist, but is allied to the PLRA, won 3 seats, commonly attributed to former anti-corruption prosecutor Giuzzio Arnaldo, who headed the party's list. The picture is completed by two right-wing parties, the Partido Encuentro Nacional (PEN-1) and the Partido Unión Nacional de Ciudadanos Éticos (UNACE-2), which obtain a total of 3 legislators.

For UNACE, which had 9 seats in the Senate in the period 2008-2013, the result represents a major defeat, having won only 2 seats. *Frente Guasú* is the first Paraguayan left party that becomes the third political

⁸⁹It is important to stress that the ANR won 865,206 votes for the Senate, i.e. 238,982 less than Cartes the president-elect.

force, with 5 seats, one of which will be occupied by Lugo himself. The new Senate has 26⁹⁰ new senators (13 representing the ANR, 3 for FG, 3 for PDP, 2 for AP, 4 for PLRA, and 1 for PEN.) *Patria Querida*, contrary to 2008, when it secured 4 senators, will have no senator in the upper house. Seat 45 was disputed until the end. It was resolved by a margin of 66 votes in favor of PLRA's No.13 Senator Roberto Acevedo (see above Challenges paragraph B). Among the legislators, there are nine women senators (see above women's participation.)

CHAMBER OF DEPUTIES OF PARAGUAY

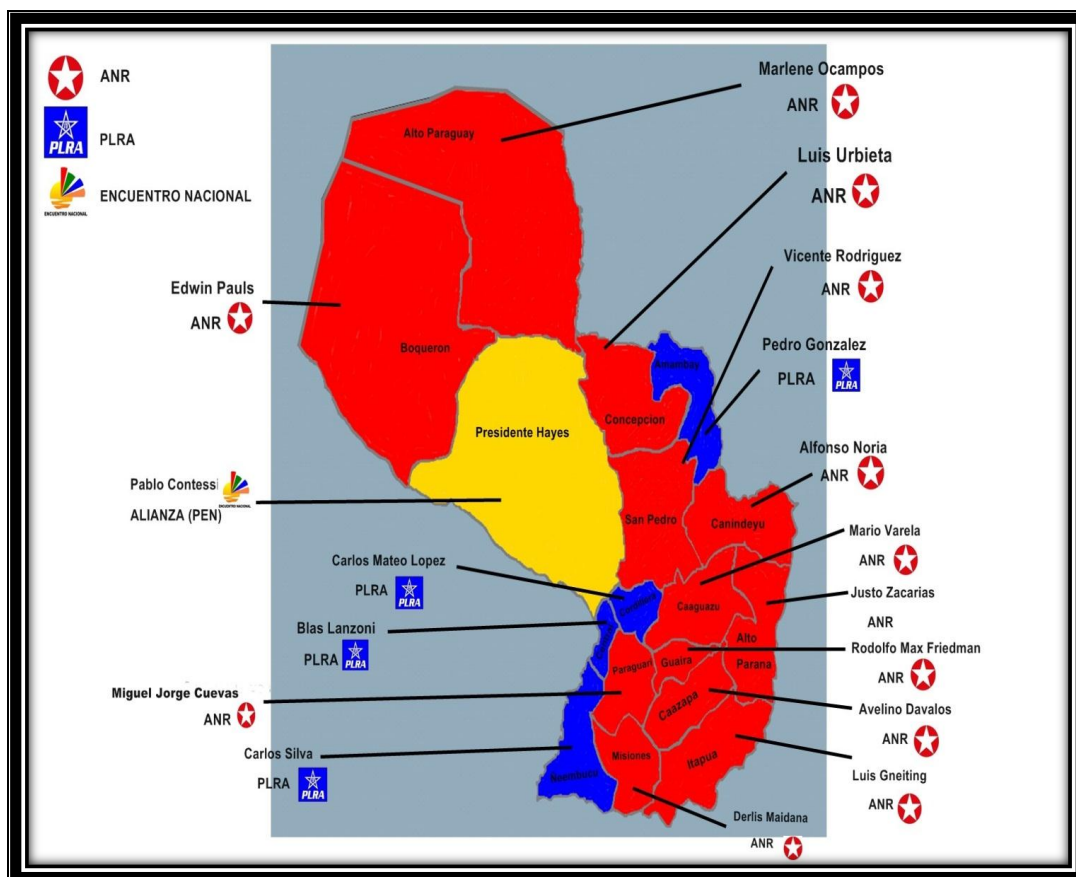


The electoral system applied in the election of the Chamber of Deputies caused a strong bias in the composition of the House. The two-party system in the House was strengthened by 71 deputies representing two traditional parties compared to 70 in the 2008-2013 legislature.

The *colorados* won the majority in the Chamber of Deputies with 44 legislators. The PLRA won 27 seats. Nine seats are for six political groups (UNACE - 2, Avanza País - 2, Partido Encuentro Nacional - 2, *Patria Querida* - 1, Frente Guasú - 1, and Alianza Chaqueña - 1) The big loser of the elections, the UNACE party lost 13 seats compared to 2008. The PPQ, with only one deputy, gets two seats less compared to 2008 results. Of the 80 deputies, 58 were elected for the first time: 35 of them representing the ANR and 18 the PLRA. There are 12 women legislators (see above, women's participation.)

⁹⁰This data takes into account only the incumbent senators and deputies elected in 2008; and it does not refer to substitutes who have taken office in the legislature 2008-2013.

DEPARTMENTS' GOVERNORS IN PARAGUAY



The ANR will govern 12 of the 17 departments across the country, having won three [more] governors over 2008. The Colorado Party won in the states of Alto Paraguay, Alto Paraná, Boquerón, Canindeyú, Concepción, Caaguazú, Caazapá, Guaira, Itapúa, Misiones, Paraguari and San Pedro; and lost the state of Ñeembucú. The PLRA lost ground, keeping only four governors (Amambay, Cordillera, Ñeembucú and Central); and lost three of those won in 2008. Paul Contessi, of PEN, who led an alliance with the PLRA, PQ, PDP and PEN, called *Pasión Chaqueña*, won the elections in the state Presidente Hayes. The only woman governor who won the election was in Alto Paraguay. The Colorado Party won a historic victory in Concepción, the traditional liberal stronghold. Instead, the PLRA retained office in Central department, considered one of most important in the country.

The results from the elections for department boards reflect the general trends. The ANR won 16 of the 17 departments (all except Amambay). In several departments (Itapúa, Paraguari, Alto Paraná, Ñeembucú, Canindeyú, Presidente Hayes, Alto Paraguay and Boquerón) the *colorados* victory was overwhelming. Frente Guasú and UNACE shared the third position. The candidates of Avanza País, obtained a very weak support (except for the Central department), confirming its small presence in the heartland of the country.

In the elections of April 21, Paraguayans also elected their representatives for the PARLASUR. The ANR won 10 of the 18 seats (6 in 2008.) The PLRA obtained 6 as it did in 2008. And the remaining 2 was distributed between Frente Guasú and UNACE⁹¹. The 18 MPs will take the oath of PARLASUR next July 1, coinciding with the start of the new parliamentary year.

The analysis on the results yields several important conclusions. First, the outcome to the election ensures the stability of the socio-economic model for the country, and maintains the political system of patronage (pork-barrel politics).

⁹¹Patria Querida in 2008 had one seat, failed to get a spot in the 2013 elections. UNACE lost 3 and the ANR managed to get 4 more seats.

Second, it highlights a strong polarization and bipartisanship confirmation of the traditional parties, which reflects primarily in the results of the presidential election and the House of Representatives, but also in the results for governors, departmental boards and PARLASUR.

Finally, the two groups representing the left (FG with 238,313 votes and AP with 117,056 votes) received about 355,000 votes at the election to the Senate. Frente Guasú is the first organization of the Paraguayan left to become the third political force. However, Frente Guasú and Avanza País remain divided and showing several disputes between individuals.

The PLRA is trying to find its way through a new vision that would allow it to cope with future elections. Mutual accusations, leadership crisis, internal divisions—very noticeable before and after the election—and their reflection on the defeat, could lead to a profound renewal of the party; including changes in leadership, and amendments to their political line and methods of action.

UNACE and PPQ, abandoned by their leaders, Lino Oviedo and Pedro Fadul, are fighting for their future, and will have to find the way to survive in a political context where there is no room for four right-wing parties. PPQ has been criticized for moving away from the real problems of society; and UNACE, without their leader, is criticized for its lack of leadership, promise and strength of its message. The top leadership of UNACE lost credibility by making a deal with the PLRA without consulting its bases; and needs a thorough renovation to preserve its limited political capital.

The first months after the election, would be interesting to see the ability of the president-elect to govern with the new Congress and his own brethren of the ANR, and the reinstatement of Mercosur and Unasur. The possibility of amending the Constitution shall be, for sure, one of the debates between the major political forces (see EXHIBIT 4 - Final results of the 2013 general elections proclaimed by the SCEJ - Decision 14/2013 and 14/2013 b.)

XVI. RECOMMENDATIONS

The EU EOM presents the following recommendations to be considered by the branches of government, electoral authorities, political parties and civil society, to improve future electoral processes in Paraguay. Some of the recommendations require amendments in the law; others, however, could be implemented enforcing the existing rules more strictly. Either way, it would be most convenient that the implementation of these recommendations had the widest possible political and institutional consensus; so that they may become effective rules and procedures, acceptable and durable.

Institutional framework

1. The Constitution guarantees the separation of branches of government, based on independence, balance, coordination and mutual control over the system. However, as a reaction to the prominence that the executive branch of the former regime had, the 1992 Constitution grants legislative, judicial and political control capabilities to the legislative branch, which put it in a position of supremacy over the other two branches, limiting the separation of powers enshrined in the Constitution. This supremacy is seen, for example, in the legislative competence to conduct political trials against various state institutions (Articles 225 and 261); as well as the prominent role it plays in relation to the judiciary, proposing and appointing judges and officials in accordance with the provisions of the Constitution in Articles 222, 224 and 264. The consequences of this imbalance between the three branches of government have been revealed during the electoral process, as stated on the report. Therefore, as part of any reform or constitutional amendment would be appropriate to review the powers of each branch in order to achieve the balance intended by the Constitution.

2. The current Paraguayan Constitution provides in Article 225 the impeachment, in which the President, Vice President, Executive ministers, ministers of the Supreme Court, the Attorney General, the

Ombudsman, the Comptroller General's Office, the Comptroller and members of the SCEJ, may be removed from office in case of improper performance of their duties, offenses or crimes committed during the exercise of their duties. To prevent the use of this mechanism on a discretionary basis, it would be appropriate to define clearly the procedure of impeachment through a law that precisely and unambiguously detail all its stages. The law defines penalties for committing electoral misdemeanours detailed in the Code; however, the procedures for their application are not regulated, therefore, they are not enforced. The law needs to specify the procedure that would allow enforcement of sanctions.

3. The various EU EOM interlocutors have expressed their lack of confidence in the current Paraguayan judiciary; considering that judges and prosecutors do not act independently, but as operators of the political parties to which they belong. To restore the needed public confidence in the judicial system, it would be desirable to strengthen the independence of all members of the judiciary; reviewing the mechanism and control of their appointment, composition, powers, and procedures of the Judicial Council, and ensuring its autonomy.

4. In Paraguay, the effects of declaratory judgments of unconstitutionality are limited to the parties (*inter partes*, but no *erga omnes*.) During the election process, was evident that the system of constitutionality control over the country generated situations of inequality before the law on electoral matters. Although two articles of the Electoral Code (305 and 329) were declared unconstitutional, they continued to be of mandatory compliance for those who did not obtain the declaratory judgment of unconstitutionality. This deficiency should be corrected to ensure legal certainty and the principle of equality before the law.

Legal framework

5. In order to facilitate access to the rules governing the electoral process to all participants, is advisable to: i) amend the text of the Electoral Code, and to develop a consolidated version of it to incorporate the modifications to which has been subject, which are currently scattered in 15 laws and 21 resolutions; ii) that the rules that apply in the election of intermediate organizations with their own requirements, characteristics and specificities, be drawn from the Electoral Code; so that they constitute a law on its own, which include the rules that today are defined by case law and practice; and ii) resolve the differences between the Electoral Code and the Constitution relating to the rules governing the validity and suppression of political movements.

6. Regarding penalties for electoral irregularities, the Electoral Code provides for imprisonment without release on one's own recognizance for electoral crimes, among which is, for example, the breach of electoral silence or destruction of electoral material. The penalties are excessive, justifying not enforcing them. As a result, the legal prohibitions are violated. It is therefore recommended: i) to revise the penalties for electoral offenses to make them proportional, in accordance with international principles signed by Paraguay, according to which, when there is no violence, an administrative penalty is sufficient; ii) that the Electoral Code be updated, and the chapters referred to irregularities, annulments, electoral crimes and misdemeanours be revised, so to correct the inconsistencies between the Electoral Code and the Criminal Code regarding sanctions. The law also determines penalties for committing electoral misdemeanours detailed in the Code; however, the procedures for application are not regulated, so they are not enforced. The law has to specify the procedure to successfully enforce sanctions.

7. The Electoral Code does not define consequences for the breach of certain obligations and prohibitions; such as the prohibition to be affiliated with more than one party, or the obligation the media has to disclose their charges for selling advertising space. If these rules are not merely declarative, it is desirable that the Electoral Code establishes control mechanisms and consequences from the failure to comply with them.

8. Strengthen and detail the rules that allow each citizen: i) to determine their political affiliation; and ii) cancel any unwanted membership through a quick and effective procedure.

Electoral Administration

9. All levels of election's administration in Paraguay are distributed among the three parties with greater representation in the House and the Senate. This distribution excludes completely the rest of the political forces; and it ranges from the highest levels of the Electoral Justice to the polling stations. It is at the level of polling stations where voting exclusion of under-represented political forces is more troublesome, since, according to Paraguayan law, the polling stations act completely independently and do not obey any order; so, their decisions are in many cases irreversible. A change to the formula to integrate the different levels of election administration to include, at least, those political groups that are represented in the legislative bodies, would increase the confidence in future elections. A more pluralistic composition than the current one is especially important for the polling stations, but it could also include oversight boards, currently composed of five members. The allocation mechanism for polling members and oversight boards could be a draw.

10. The oversight boards and polling stations' members could be paid for their services by the Electoral Justice, because their contribution to the electoral process is very important. A monetary compensation would not only be a proper public recognition of their work, but also a way to prevent absenteeism and encourage the commitment among its members.

Voter Register

11. Institutions with responsibilities in this area, i.e. the SCEJ and the Identifications Section of the National Police Department of Paraguay, should continue with their registration campaigns in the geographic areas and population groups where they know that there are still significant pockets of adults without identification, such as the departments of Chaco and indigenous communities. In terms of registration: i) media campaigns could be designed also to remind people with disabilities of their right to be registered and to exercise their civic rights; since it is estimated that there are many citizens without registration in this group; ii) the disposal of records of people who have not exercised their right to vote after a reasonable number of calls to election, for example, three, in order to eliminate names of deceased people and to prevent anyone from exercising the vote on behalf of someone already dead. Such action would be consistent with the compulsory voting in Paraguay, and would increase the quality of the register deleting records of people whose death has not been reported for any reason by their relatives. In any case, the person removed from the register in this manner, may always request his or her reinstatement to the register after being properly identified; iii) the executive branch and the electoral authorities should agree on providing sufficient funds to allow Paraguayans living abroad to apply for their registry in the Permanent Civil Register and exercise their right to vote.

Candidate registration

12. To ensure that the candidates that take part in the elections comply with the legal requirements to run for office, which is provided for in the Constitution and the Electoral Code, is recommended to incorporate effective control mechanisms by the SCEJ.

13. To increase the transparency and effectiveness of the candidate registration process, is convenient: i) to facilitate the access and control of political groups to the lists of candidates submitted; and ii) that, in accordance with good practice in electoral matters, the *locus standi* to challenge candidates be extended also to candidates and voters.

14. It would be convenient: i) to identify the steps and procedures to decide on primary election disputes and make them final before the formalization of candidates; and ii) that the procedural terms be revised so that the resolution of disputes over registry entries (challenges, resignations, exclusions) are decided effectively, and of course, before election day.

15. It is recommended to review the Electoral Code to allow the participation of independent candidates, under well-defined and appropriate rules, as determined by international commitments subscribed by Paraguay.

Financing

16. It is advisable to regulate the implementation of transparent procedures of law No. 4743/2012 "Regulating political funding," so that it could be complied with. In addition to audit and control procedures, powers and responsibilities of the SCEJ and the Comptroller should be well defined in the law. It is also advisable to develop an organic law regarding political organizations that incorporate and systematize all legal provisions relating to creation, recognition, functioning, termination and funding, at present contained in the Electoral Code and subsequent laws amending it.

Media

17. In order to promote transparency in governance and strengthening citizens' trust in public administration, it would be appropriate to adopt a law guaranteeing free access to public information. It should also develop mechanisms for receiving and responding to requests for information, and establish penalties and instruments to appeal in case of breach of the law.

18. The introduction of measures to ensure adequate distribution of radio frequencies with equitable criteria would increase pluralism. To ensure economic sustainability and independence of the communities' media, they could be authorized again to be financed through advertising, with the commitment to reinvest their income in their operation.

19. To ensure equality of treatment to all candidates by the media, there should not be at the discretion of the media to decide which advertising may or may not be disclosed, as it happened in the last election campaign. The elimination of the distinction between political and electoral propaganda in the Electoral Code would clarify the confusion about spreading messages before or after the election campaign period.

Opinion polls

20. The important discrepancies between survey forecasts have led to a general lack of trust in this research tool, which is often used as a campaign tool. In order to restore confidence in electoral polls, we recommend the adoption of standards of conduct and publication to ensure the highest technical and methodological rigor in the opinion polls.

Human rights

21. The Constitution describes the vote as a right and a duty; however, the current system leaves out a large number of citizens off the process. For the electoral process to be more inclusive, it would be advisable that: i) Paraguay took the measures to ensure that the law allow for the vote of those hospitalized or detained, the conscripts on military service and students in military and police academies, and that the suspension from the right to vote be tried only by court order.

Gender

22. The minimum quota of 20% women on lists of candidates in the primaries does not guarantee a balanced representation of gender in elective positions. To increase the number of women in both houses would be advisable to consider more effective mechanisms; for example, the incorporation of a minimum number in the lists of candidates, with an alternation system to ensure that the candidates have the potential to be elected; which incorporates the proposal of the recent Decree No. 10747/2013, which extends the quota to 33% or 50%.

Electoral observation

23. During the last election, there was no agreement between the Executive branch and Electoral Justice as to the conditions under which international missions of electoral observation could perform their tasks, particularly in regard to their need to have diplomatic immunity. It would be desirable that both; domestic and international observer missions were regulated by law, so there would be no more questions in the future about who can exercise it, and under what conditions.

Exercise of voting rights

24. The high concentration of polling stations forces many voters to travel across long distances to exercise their right to vote. Enable more polling stations to be located near rural villages would mitigate the problem, without increasing logistic costs excessively; and will cause that the parties lose an instrument sometimes used to influence illegally the voters will, because the parties with resources are those that provide transportation for voters who are away from their polling stations. Provide free or subsidized public transportation on Election Day would have a similar effect. The polling stations must be also adapted for the needs of voters with disabilities to make them more accessible.

25. Voters should be encouraged to leave the polling stations after casting their ballots, to avoid crowds that slow the voting process. This recommendation is especially relevant for the case of candidates, who often stay for a long period of time in the polling stations to vote, causing the operations slower and sometimes skirting the ban on campaigning during Election Day.

26. The police presence at polling stations should be only the required to ensure order and security of the election. The police's request of results' certificates at the end of the count in the polling stations, observed by the EU EOM in the 2013 election, should not be made unless expressly provided for in the electoral laws or regulations.

27. The prosecution should act more vigorously in cases that flagrantly violate the election laws. It should do so in all cases provided by law, but particularly in the case of the *corralones*.

28. The voters should have their fingers inked after and not before entering the ballot in the box, so they do not run the risk of seeing their vote accidentally annulled for an ink stain on the ballot.

Election results

29. The Transmission of Preliminary Results (TREP, for its acronym in Spanish) was a key contribution to the early recognition of the elections by candidates. The success with the operation caused to reject the exaggerated allegations made a few days before the election, about the alleged lack of security. However, there is still room to improve the safety during the operation in three ways: i) requesting a third party certification of the software used for transmission; ii) a private telephone network enabling the Electoral Justice's transmission of results; and iii) preventing employees from accessing the data centre without personal non-transferable cards, as those currently used.

Proclamation and challenges to the results

30. To increase confidence and transparency in the process is necessary to have an independent audit of the results, as well as access to the resources and judicial review. It is advisable that: i) the Electoral Justice publishes the provisional results officially by a certificate, which will open a conveniently regulated process of results challenge; and to be legitimate, not only to the parties, but also to candidates and voters; ii) the SCEJ, in his final act of proclamation, provide all data and relative percentages of final results, including participation rates of all ballots and voting data from abroad; and iii) to attenuate the principle of preclusion, under which, without stating a challenge at the polling station, is impossible to challenge the results. Detail and define some specific cases may resolve situations that not necessarily occurred in the polling station, but at a later stage.

XVII. INDEX OF ACRONYMS

- ANR.** Asociación Nacional Republicana. Partido Colorado. (National Republican Association. Red Party)
- AP.** Avanza País. (Country Go Ahead)
- APA.** Alianza Paraguay Alegre. (Alliance Happy Paraguay)
- CIDEE.** Centro de Información, Documentación y Educación Electoral. (Centre for Information, Documentation and Electoral Education)
- CIRD.** Centro de Información y Recursos para el Desarrollo. (Centre for Information and Development Resource)
- CDE.** Ciudad del Este.
- CE.** Comisión Europea. (European Commission)
- CIDH.** Comisión Interamericana de Derechos Humanos. (Inter-American Commission on Human Rights)
- CM.** Consejo de la Magistratura. (Judicial Council)
- CG** Contraloría General de la República del Paraguay. (Comptroller General's Office of Paraguay)
- CO.** Jefe de Misión. (Chief Observer)
- CODEHUPY.** Coordinadora de Derechos Humanos del Paraguay. (Human Rights Coordinator of Paraguay)
- COPA.** Confederación Parlamentaria de las Américas. (Parliamentary Confederation of the Americas)
- DCO.** Jefe de misión adjunto. (Deputy Chief Observer)
- FG.** Frente Guasú. (Front Guasú)
- JEM.** Jurado de Enjuiciamiento de Magistrados. (Prosecution Panel of Judges)
- JE.** Justicia Electoral. (Electoral Justice)
- KP.** Kuña Pyrenda.
- MERCOSUR.** Mercado Común del Sur. (Southern Common Market)
- MP.** Public Ministry (Office of the Prosecutor General).
- MOE.** Misión de Observación Electoral. (**EOM.** Electoral Observation Mission)
- OCP.** Observadores de Corto Plazo. (Short Term Observer)
- ODCA.** Organización Demócrata Cristiana de América. (Christian Democratic Organization of America)
- OLP.** Observadores de Largo Plazo (Long Term Observers)
- OEA.** Organización de Estados Americanos. (**OAS.** Organization of American States).
- PB.** Partido Blanco. (White Party)
- PDP.** Partido Democrático Progresista. (Democratic Progressive Party)
- PEN.** Partido Encuentro Nacional. (National Meet Party)
- PHP.** Partido Humanista Paraguayo. (Paraguayan Humanist Party)
- PJ.** Partido de la Juventud. (Youth Party)
- PL.** Partido Liberal. (Liberal Party)
- PLRA.** Partido Liberal Radical Auténtico. (Authentic Radical Liberal Party)
- PPL.** Partido Patria Libre. (Free Fatherland Party)

PPQ. Partido Patria Querida. (Beloved Fatherland Party)

PSD. Partido Social Demócrata. (Social Democratic Party)

PT. Partido de los Trabajadores. (Workers Party)

PV. Partido Verde. (Green Party)

PE. Poder Ejecutivo. (Executive branch)

PJU. Poder Judicial. (Judiciary branch)

PL. Poder Legislativo. (Legislative branch)

REDLAD. Red Latinoamericana y del Caribe para la Democracia. (Latin American and Caribbean Network for Democracy)

SEAE. Servicio Europeo de Acción Exterior. (European External Action Service)

SCEJ. Tribunal Superior de Justicia Electoral. (Superior Court of Electoral Justice)

TREP. Transmisión de Resultados Electorales Preliminares. (Transmission of Preliminary Results)

EU. Unión Europea. (European Union)

UNACE. Unión Nacional de Ciudadanos Éticos. (National Union of Ethical Citizens)

Unasur. Unión de Naciones Suramericanas. (Union of South American Nations)

Uniore. Unión Interamericana de Organismos Electorales. (American Union of Electoral Organizations)

XVIII. APPENDICES

Appendix 1 - Table of EU EOM recommendations Paraguay 2013

Appendix 2 - Registered voters in 2013 based on estimated population in 2011

Appendix 3 - Monitoring of the media: Final results

Appendix 4 - Final results of the 2013 general elections proclaimed by the SCEJ (Decision 14/2013 and 14/2013 bis)

APPENDIX 1 - TABLE OF EU EOM RECOMMENDATIONS PARAGUAY 2013

#	Purpose	Recommendation	Objective	Applicable regional and international instruments / Good practices (GP)	Provisions of the legal framework affected by it / Available documents	Institution to which it is addressed
Institutional Framework (Recommendation Nos. 1, 2, 3 and 4)						
1	The Constitution establishes the separation of powers in the State through a system based on independence, balance, coordination and reciprocal control. However, the pre-eminence of the Legislative Branch over the other branches limits the independence of powers guaranteed by the Constitution	Within the framework of a potential constitutional amendment or reform, it would be appropriate to review the competence of each power in order to strike the balance sought.	Reinforce the separation of powers, as guaranteed by the Constitution.	ICCPR, Article 1, no. 1 ACHR, Article 2, 4 ILC, Article 3	Constitution, Articles 222, 224, 225, 261 and 264.	Congress
2	The current Constitution of Paraguay provides in Article 225 for a political trial by which the President of the Republic, the Vice President, the ministers of the Executive Branch, the ministers of the Supreme Court of Justice, the General Attorney of the State, the Ombudsman, the General Comptroller of the Republic, the Deputy Comptroller and the members of the Superior Court of Electoral Justice (SCEJ) can be removed from their posts in the event of improper	To define the procedure of a political trial clearly through a regulatory law.	To prevent this mechanism from being used on a discretionary basis.	UDHR, Article 10 ILC, Article 8 ACHR, Article 25 Everyone has the right to file a simple and prompt appeal or any other effective petition for remedy before judges or courts with jurisdiction over the matter, in order to seek protection against acts that violate one's fundamental rights recognized by the Constitution, the law or	Constitution, Articles 225 and 261.	Congress

	discharge of their duties, crimes committed in the exercise of their offices, or ordinary crimes.			<p>this Convention, even when such violation may have been committed by persons acting in the course of their official duties.</p> <p>Member States shall undertake:</p> <p>a) To ensure that the authority with competence over the matter, as provided in the legal system of the State, shall issue a decision regarding the rights of all persons who have brought such appeals:</p> <p>b) To develop the possibilities of appeal through the courts, and</p> <p>c) To guarantee enforcement by the authorities with jurisdiction over the matter of all decisions in which the petition for appeal is found to be in accordance with law.</p>		
3	The various players of the EU EOM believe that judges and prosecutors do not operate with sufficient independence, due to their ties with political parties.	To strengthen the independence of all the members of the judiciary, reviewing the mechanism of their appointment and supervision, based on the composition, areas of	To increase public confidence in the legal system.	ILC, Article 3 ACHR, Article 25	Constitution Law No. 296/94, organizing the operations of the Council of	Congress

	A reform of the legal system appears to be advisable.	competence and procedures of the Council of Magistrates.			Magistrates and all other amending Acts.	
4	During the electoral process, it has become evident that the system of control of constitutionality in Paraguay has created situations of inequality before the law in electoral matters, due to effects between the parties of declarations of unconstitutionality of two Articles of the Code of Elections held to be unconstitutional. These continued to be of mandatory compliance for all those who had not been granted a declaration of unconstitutionality.	It is recommended that the Code of Civil Procedure that defines the scope of the declarations of unconstitutionality between the parties be reviewed, thereby avoiding a violation of the principle of equality before the law and legal protection.	Equality before the law, especially in electoral matters.	ACHR, Article 24	Code of Civil Procedure Constitution	Congress
Legal Framework (Recommendation Nos. 5, 6, 7 and 8)						
5	The regulations that govern the elections are spread throughout 15 Laws and 21 Administrative Rulings, thus making it more difficult to learn about them, access them and apply them. Furthermore, the same regulations that govern general elections are the ones that apply to the elections of intermediate organizations	Making deletions and updating the text of the Electoral Code, to develop a consolidated version thereof. Drafting a law that would apply exclusively to the elections of intermediate organizations that meets their requirements and special needs, which are now defined primarily by case law and legal practice.	To achieve a corpus of consolidated electoral law that allows for better understanding and facilitates access to regulations governing elections.	UDHR, Article 7 ICCPR, Article 2, no. 2 ACHR, arts. 1, 2, 23 ILC, Article 5, 6	New Law on Elections in intermediate organizations. - Law 635/1995 regulating Electoral Justice; - Law 744/1995 amending Articles 17 and 21 of Law 635/95; - Law 772/1995 stipulating complete renewal	Congress

					<p>of the Permanent Civil Registry;</p> <ul style="list-style-type: none">- Law 834/1996 setting the Paraguayan Electoral Code;- Law 1281/1998 amending Article 25 of Law 635/95;- Law 1626/ 2000 of the Civil Service (relevant rules);- Law 1975/2002 amending Articles 153, 154 and 155 of Law 834/96;- Law 2096/2003 amending Article 171 of Law 834/96;- Law 2858/2006 amending Articles 116, 117, 130, 140, 144 and 147 of Law 834/96- Law 3212/2007 extending the provisions of the Electoral Code and creating forums for dialogue;- Law 3166/2007 amending Articles 106, 170, 246, 247, 248 and 258 of Law	
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					<p>834/96</p> <ul style="list-style-type: none"> - Law 3872/2009 amending Article 4 of Law 834/96; - Law 4260/2010 amending Article 195 of Law 834/96; - Law 4559/2012 establishing automatic inscription on the Permanent Civil Registry - Law 4662/2012 amending Article 247 and 248 of Law 834/96; - Law 4743/2012 regulating political finance - Law 4802/2012 establishing valid documents required to vote abroad; - Relevant Resolutions 	
6	<p>The Electoral Code provides for custodial sentences without release for Electoral Offenses, which include, for example, the non-compliance with moratoriums or the destruction of campaign materials. Sentences are excessive, which is why they</p>	<p>The revision of penalties for electoral crimes in order to ensure greater proportionality, pursuant to the international principles signed by Paraguay, under which, in the absence of violence, an administrative penalty is sufficient; and harmonization of the Electoral</p>	<p>Legal compliance through the regulation of less severe and more proportional penalties.</p>	<p>UDHR, Article 10 and 21 ICCPR, Article 2 and 25 ACHR, Article 1, 2, 23, No. 2.</p>	<p>Electoral Code Criminal Code</p>	<p>Congress SCEJ</p>

	<p>are not enforced. The result is the failure to comply with legal prohibitions.</p> <p>Legislation determines penalties for committing electoral crimes discussed in the Code; however, the procedures for implementation are not regulated, which is why they are not applied.</p>	<p>Code and the Criminal Code regarding penalties specified for the commission of electoral crimes.</p> <p>It is advisable that the law specify procedures for allowing the enforcement of sanctions</p>				
7	<p>The Electoral Code does not define the consequences of the failure to comply with certain obligations and prohibitions, such as the prohibition against belonging to more than one political party or the obligation of the media to lower rates for the advertising spots that they sell.</p>	<p>It is appropriate that mechanisms of control and consequences for non-observance are established in the Electoral Code.</p>	<p>Reinforce compliance with electoral standards. Prevent obligations and prohibitions from fulfilling solely a declamatory role.</p>	<p>ILC, Article 5 ADRDM, Article II.</p>	<p>Electoral Code</p>	<p>Congress SCEJ</p>
8	<p>It is hard for members to learn about their affiliation.</p> <p>It is forbidden to have multiple affiliations; however, almost 25% of voters belong to several parties, often without their knowledge or consent.</p>	<p>Reinforce and describe regulations that allow every citizen i) to find out their political affiliation, and ii) to cancel it, if desired, by means of a simple, fast, effective procedure, at no cost</p>	<p>To eliminate multiple affiliations and strengthen political awareness among citizens.</p>	<p>UDHR - Article 19: Everyone has the right to freedom of thought, conscience and religion (...)</p> <p>ICCPR - Article 18: Everyone has the right to freedom of thought, conscience and religion;</p>	<p>Article 28 of the Constitution recommends that the mechanism whereby citizens can provide proof of their affiliation in political organizations and withdraw such membership whenever they choose.</p>	<p>SCEJ Congress</p>

Electoral Administration (Recommendation Nos. 9 and 10)						
9	<p>Decision-making posts of Electoral Justice are distributed among the three parties, with the greatest representation in the Legislative Chambers, excluding the remaining political groups.</p>	<p>To create decision-making bodies in electoral administration more pluralistic by assigning, at the very least, positions to the parties with the greatest representation in the Legislative Chambers of the country. This pluralistic distribution is particularly important at the level of polling stations, many of whose decisions are irrevocable but this could also apply in oversight boards. The mechanism to assign members of polling stations could be done by lottery</p>	<p>To build a more pluralistic and inclusive composition of electoral administration, so as to raise confidence in electoral process between the various political groups.</p>	<p>General Comment No. 25 to ICCPR: The right to participate in public affairs, the right to vote and the right to have equal access to public service. Paragraph No. 20 in the Comments Section establishes an independent Electoral Commission to ensure that the electoral process proceeds fairly and impartially.</p> <p>(GP) The Electoral Administration acts in an independent and inclusive manner.</p>	<p>Article No. 177 of the Electoral Code, which regulates the composition of polling stations.</p> <p>Article No. 34 of Act 635/95 regulating Electoral Justice</p>	<p>Congress SCEJ</p>
10	<p>Members of polling stations and of oversight boards do not receive any financial compensation whatsoever for their services.</p>	<p>To compensate financially the members of polling stations and oversight boards for their work</p>	<p>To recognize the work of members of polling stations and oversight boards, which is so important for the electoral processes in Paraguay, and to prevent the absenteeism of members of polling stations during the election day.</p>	<p>The Inter-American Convention against Corruption recommends that the Member States study prevention measures which take into account the relationship between fair pay and integrity in public service.</p>		<p>SCEJ</p>

Electoral Rolls (Recommendation No. 11)					
11	<p>There are still adults without identity cards in outlying areas and regions with indigenous populations, particularly in the Department of Chaco. It is also estimated that there are many people with disabilities who do not have identity cards.</p> <p>Existence of deceased persons on the Electoral Rolls who have not been removed because no notification has been given of their death.</p> <p>A large number of Paraguayans who reside abroad are not registered on the Permanent Civil Registry.</p>	<p>Continue with campaigns aimed at issuing identity cards in mass numbers in those areas where it is estimated that there are adults who do not have identity cards.</p> <p>Develop media campaigns in order to remind people with disabilities who are entitled to obtain a personal identity card and to exercise their right to vote.</p> <p>Purge from the Electoral roll those voters who failed to exercise their right in three consecutive elections, allowing them to re-enter the Electoral Rolls if they appear before the Permanent Civil Registry and identify themselves.</p> <p>Undertake campaigns to issue identity cards to Paraguayans residing abroad.</p>	<p>Make the Electoral Rolls as inclusive as possible, allowing all those who are entitled to vote to do so.</p> <p>Ensure clean Electoral Rolls and prevent anyone from voting in place of deceased voters.</p> <p>Make the Electoral Rolls as inclusive as possible, so that no voter is prevented from exercising his or her right to vote.</p>	<p>General Comment no. 25 to ICCPR: The right to participate in public affairs, the right to vote and the right to have equal access to public service.</p> <p>Paragraph No. 10 in the Comments Section establishes that it is unreasonable to restrict the right to vote on the basis of physical disability and to impose requirements or restrictions related to the level of educational attainment or economic capacity. Furthermore, paragraph No. 11 establishes that States must adopt effective measures so that every person entitled to vote is able to exercise that right.</p> <p>(GP) Existence of effective informational campaigns for voter registration. Campaigns for voter registration should be more intense for those groups who are less likely to register to vote.</p>	<p>SCEJ</p> <p>Department of Identification of the National Police</p> <p>Registry of Civil Status</p> <p>Executive Branch</p> <p>Congress</p>

				<p>(GP) The Electoral Rolls are updated sufficiently to ensure that people who have died recently are removed.</p> <p>(GP) In those places where citizens residing abroad are entitled to vote, there are effective procedures to facilitate the registration of voters.</p>		
Candidate Registration (Recommendation Nos. 12, 13, 14 and 15)						
12	<p>In the process of registering candidates, the SCEJ does not verify if individuals meet the eligibility requirements set forth in the Constitution and the Electoral Code, but trusts that the mutual control among parties to make sure that the lists are correct. However, certain candidates have been registered who do not meet the eligibility requirements.</p>	<p>Incorporate effective control mechanisms, to be enforced by the SCEJ.</p> <p>Enhance access and control of political groups in the lists of nominees submitted.</p> <p>The active authentication process for challenging nominations should be extended to candidates and voters as well.</p>	<p>Ensure that candidates who compete in elections comply with the legal requirements to run for elective office.</p> <p>Increase transparency and effectiveness of the candidate registration process.</p>	<p>- ICCPR, Articles 2 and 3</p> <p>- ICERD, Article 5</p>	Electoral Code	Congress
13	<p>Electoral disputes in primary elections were resolved after the periods for formalization of the slates of candidates had elapsed.</p>	<p>Revise the procedural deadlines so that electoral disputes in primary elections can be resolved before the deadline or submission of slates of candidates.</p>	<p>Appeals brought against decisions to reject a nominee should be examined quickly before Election Day, to ensure that, if the appeal is successful, the candidate can still</p>	<p>- ICCPR, Articles 2 and 3</p> <p>- ICERD, Article 5</p>	Electoral Code	Congress

			campaign and stand for election.			
14	Disputes over the registration of candidates were resolved after the Election Day.	Examine procedural deadlines so that disputes over the registration of candidates (challenges, withdrawals, exclusions) are resolved before the slates of candidates are formalized.		- ICCPR, Articles 2 and 3 - ICERD, Article 5	Electoral Code	Congress
15	Legislation does not allow for the participation of independent candidates in elections.	Allow the participation of independent candidates under clearly defined and appropriate rules.		- ICCPR, Articles 2 and 3 - ICERD, Article 5	Electoral Code	Congress
Financing (Recommendation No. 16)						
16	Increase transparency in political funding in order to enhance confidence in the system and to strengthen a level playing field in elections. Audit and control procedures, powers and responsibilities of the SCEJ and the Office of the General Comptroller are not clearly defined in the new law amending 15 articles in the Electoral Code.	Establish regulations for Law No. 4743/2012. It is recommended that an Organic Law on political groupings be drafted, which would incorporate and organise all legal provisions concerning their formation, establishment, operation, termination and financing; such regulations are currently spread throughout the Electoral Code and subsequent amendments.	Proper application of laws governing the financing of political parties and the election campaigns by means of a clear and efficient law.	ILC, Article 5 ICCPR, Articles 1.1; 25 ACHR, Articles 2,16, 23	Electoral Code New Organic Law on political groups	Congress SCEJ Office of the General Comptroller of the Republic
Media (Recommendation Nos. 17, 18 and 19)						
17	The Constitution recognizes the right of persons to receive truthful, unbiased and responsible information, stipulating that public sources of information are free for everybody (Article 28).	Passage of a law guaranteeing free access to public information. Develop mechanisms to receive applications, answer them promptly and appeal if they are rejected. Establish sanctions and mechanisms to implement them in event of	Passage of a law that guarantees free access to public information would promote transparency in public administration and would enhance the quality of the	ACHR - Article 13: Everyone has the right to freedom of thought and expression. This right encompasses the freedom to seek, receive and impart information and ideas of all kinds, regardless of borders, in	It is proposed that an organic law to develop the contents of Article 28 of the Constitution be passed.	Congress

	<p>Despite this, Paraguay does not have a law guaranteeing the right to access to public information.</p>	<p>violation of the law.</p>	<p>profession of journalism. A law granting the right to access public information is an important tool in fighting corruption.</p>	<p>writing or in print, in the form of art or in any other medium of one's choice.</p> <p>UDHR - Article 19: 'Everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of borders.</p> <p>ICCPR - Article 19: "Everyone has the right to freedom of expression; this right encompasses the freedom to seek, receive and impart information and ideas of all kinds, regardless of borders, in writing or in print, in the form of art or in any other medium of one's choice."</p> <p>(GP) – Everyone has the right to receive transparent information on the status, activity and cases processed and pending in all jurisdictional bodies, upon request.</p>		
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18	<p>Electromagnetic waves are a public good.</p> <p>The difficult economic conditions of community radio impede their ability to survive.</p> <p>Power transmission links between 50 and 300 watts considerably limit the broadcasting range of community radio.</p>	<p>Introduction of measures to ensure adequate distribution of radio frequencies by means of equitable allocation in broadcasting sectors.</p> <p>Reintroduction of the possibility to use advertising as a means for financing, with the commitment to make a complete reinvestment in radio stations, aimed at helping them to achieve their goals and objectives.</p>	<p>Ensure the democratic distribution and access to radio broadcasting space so that different sectors (commercial, public and community media) can gain fair access to resources, thus increasing the pluralism of information.</p>	<p>ACHR - Article 13: Everyone has the right to freedom of thought and expression. This right encompasses freedom to seek, receive and impart information and ideas of all kinds, regardless of borders, in writing or in print, in the form of art or in any other medium of one's choice.</p> <p>(GP) - Article No. 19, Joint Statement on the Media and Elections: States must implement measures to create an enabling environment that would be conducive to the proliferation of pluralistic media. Said measures shall include the transparency requirement regarding media ownership, the granting of licenses to promote diversity, the establishment of standards to prevent undue concentration of media ownership and adoption of measures to promote content diversity.</p>	<p>To revoke the Law of 2011 amending articles of the Telecommunications Act (642/95)</p>	<p>CONATEL Congress</p>
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#	Purpose	Recommendation	Objective	Applicable regional and international instruments / Good practice (GP)	Provisions of the legal framework to which it affects / Available documents	Institution to which it is addressed
Institutional Framework (Recommendation Nos. 1, 2, 3 and 4)						
19	In the absence of an entity responsible for evaluating the content of campaign ads from candidates, the media selects the material that they receive on an arbitrary basis, in both the pre-election period and the election campaign season.	In order to ensure fair treatment of candidates by the media, decisions regarding which ads can be broadcast should not be left to the discretion of the media, as happened during the last election campaign. Remove the distinction between political and election campaigns in the Electoral Code.	To guarantee fair treatment of all candidates by the media and to prevent censorship complaints for political reasons. To guarantee adherence to election laws regarding the coverage of the election campaign by the media.	(GP) - Article 19, <i>Reporting Elections Broadcast Guidelines</i> : Neither the authorities nor the media may interfere during the broadcast of an election information program unless they are certain that it is necessary to prevent substantial damage, such as incidents of violence. Any decision to stop broadcasting a program should be made by an independent body, in order to evaluate whether these standards were met. The criteria used to establish if an election information program should be broadcasted or not must not be vague or unclear.	Amendment of Article Nos. 286 and 290 of the Electoral Code and establishment of a provision delineating clear responsibilities regarding evaluation of the contents of election campaigns in the media.	SCEJ Congress
Opinion Polls (Recommendation No. 20)						
20	Large discrepancies between forecasts made by polls have	In order to restore confidence in election surveys, it is recommended the	To ensure high quality election	(GP) To adapt standards of ESOMAR (European	The drafting of a law that would make it	Congress

	resulted in a widespread lack of confidence in this investigation technique, used as a campaign tool.	rules be adopted to enforce and publicize standards that would guarantee the highest technical and methodological standards of election surveys.	surveys and to re-establish the role of surveys in the democratic process.	Society for Opinion and Marketing Research) and WAPOR (World Association for Public Opinion Research) Guidelines for Opinion Polls and Surveys published in order to improve the quality of the surveys.	possible to control the quality of the election surveys is proposed.	
Human Rights (Recommendation No. 21)						
21	<p>The Constitution describes the vote as a right and an obligation; however, the current system excludes a significant number of citizens, since it does not provide for the right of conscripts, students in military and police academies, hospitalized patients or detainees to vote.</p> <p>The Electoral Code stipulates that deaf-mute people who cannot make themselves understood in writing or by other means cannot vote.</p>	<p>Paraguay should adopt measures leading to legislation that would permit hospitalized patients, detainees, conscripts on military service or students in military and police academies to vote.</p> <p>It is also advisable that the suspension of political rights be sustained only by means of a court ruling.</p>	Ensure that the election process is more inclusive, pursuant to the international commitments entered into by Paraguay.	<p>UDHR, Articles 1.2 ICCPR, Articles 2, no. 2, 25, 26, 27 CRPD, Articles 1, 3-5, 9, 29 Inter-American Convention on Elimination of All Forms of Discrimination Against Persons with Disabilities, Articles II, III, V ACHR, Articles 1, -2, 23</p>	Electoral Code	Congress
Gender (Recommendation No. 22)						
22	Women are underrepresented on election slates. A minimum share of 20% of female candidates of women on election slates does not guarantee balanced representation.	More effective mechanisms should be considered, such as introducing a minimum share of nominees for office, using a system of rotation that ensures that female candidates are placed in positions that actually offer the possibility of election, taking in account the draft of Decree No. 10747/2013, which expands the share of women up	To increase the number of women in election bodies.	CEDAW, Article 4.1 and General Comment No. 23 of the CEDAW Committee.	Electoral Code	Congress

		to 33% or 50%.				
Electoral Observers (Recommendation No. 23)						
23	During 2013 elections, there were certain differences of opinion regarding who could monitor the electoral process and under what conditions, since there are no regulations for electoral observers.	To regulate national and international electoral observers.	To fill a legal void regarding electoral observers in order to raise the confidence level in future electoral processes of relevant political players at the national and international level.	(GP) Electoral laws provide for observers who may observe all aspects of the electoral process.	Electoral Code or "ad hoc" regulations	Congress SCEJ
Exercise of Voting Rights (Recommendation Nos. 24, 25, 26, 27, and 28)						
24	A high number of voting stations are concentrated in a small number of polling centres, located far from rural towns, which forces many citizens who reside in these areas to travel long distances to vote and they must depend on political parties to do so.	Establish more voting stations, mainly for rural towns located far from polling centres. Provide free public or subsidized transportation on Election Day. Enhance access to polling centres for people with disabilities, particularly for those who are wheelchair-dependent, so that they have no problem in exercising their right to vote.	To bring closer voting stations and centres to voters. To improve accessibility of polls.	(GP) There is a suitable number of voting stations.		SCEJ
25	Some voters and many candidates stay at the polls and centres even after they have voted, thus slowing down other voters. Furthermore, candidates seek to circumvent, in a subtle way, the prohibition against electioneering during the Election Day.	Urge voters and candidates to leave the polls and centres after voting.	To ease the overcrowding at the polls, which slows down the process, and to prevent candidates from electioneering at polling centres	(GP) Campaigning at the polls is not allowed.	A more consistent application of Article 195 of the Electoral Code, which forbids crowds of people "that might, directly or indirectly, mean pressure over voters".	SCEJ

			where voting is taking place.			
26	On Election Day, police officers appeared in polling centres to request certificates of election results, a procedure not contemplated by law.	Instruct voting station staff not to comply with the request of police or to regulate requests so that there is no doubt as to what the voting station staff must.	To avoid uncertainty regarding a procedure not currently covered by the Law.	(GP) State security forces should demonstrate restraint and not interfere in the election process. There is complete public information regarding the election procedures.	Electoral Code	Congress SCEJ
27	The district attorney has failed to act to prevent flagrant violations of the law, as in the case of seven car pounds observed by the EU EOM.	Request more proactive work by the district attorney’s office in the event of flagrant violation of the law, particularly in the case of car pounds.	To fight illegal practices that could undermine the dignity of citizens.	(GP) Laws are enforced in such a way that all rights are respected.		Public Ministry (District Attorney) SCEJ
28	Members of the voting stations have the voters ink their fingers before inserting their ballots into the box, hereby jeopardizing the integrity of the vote.	Modify legal procedures so that members of voting stations ink the voters after, rather than before, they insert their ballots into the box.	To prevent the accidental invalidation of votes.	(GP) The appropriate measures are established to protect the right to vote of citizens.	Electoral Code	SCEJ
Election results (Recommendation No. 29)						
29	Security in reporting preliminary election results could be reinforced.	Certify the software by which preliminary results are reported through a competitive bidding process won by a company outside SCEJ. Enable a private telephone network for SCEJ to report results. To create access by means of personal cards for employees of SCEJ data centre.	To increase security in the reporting process of preliminary election results and to build confidence in it.	General Comment no. 25 to ICCPR: The right to participate in public affairs, to vote and the right to have equal access to public service. Paragraph No. 20 establishes that “there should be independent scrutiny of the voting and counting process and access to judicial review or other equivalent process so that electors have		SCEJ

				confidence in the security of the ballot and the counting of the votes."		
Declaring and challenging election results (Recommendation No. 30)						
30	<p>Since Election Day on April 21, and until official final results are declared on May 10, no results will be publicly announced.</p> <p>The only information available to parties and citizens was provided by the media obtained from "unofficial" sources of partial recounts of the TREP and calculations made by the parties.</p>	<p>It is recommended that the Electoral Justice disclose interim results formally by means of official records. These official records could be used by interested parties for monitoring results before the final announcement of the SCEJ.</p> <p>It would be appropriate for the SCEJ, in the final announcement, to provide all the information and definite results, including i) participation rate; ii) results with percentages for every office; iii) results within the national territory and abroad; and iv) a clear-cut calculation of the number of challenges received, accepted and rejected. To do this, it would be necessary to coordinate and use information resources of the SCEJ appropriately.</p> <p>It would also be advisable to mitigate the principle of estoppel, according to which, if there are no challenges at the polls, then it will not be possible to challenge results. Reporting certain cases in detail and classifying them as violations might solve some situations that did not necessarily arise at the polls, but at a later stage.</p>	To raise confidence and transparency in the results process.	UNHRC General comment of No. 25, paragraph 20.	Electoral Code	Congress SCEJ

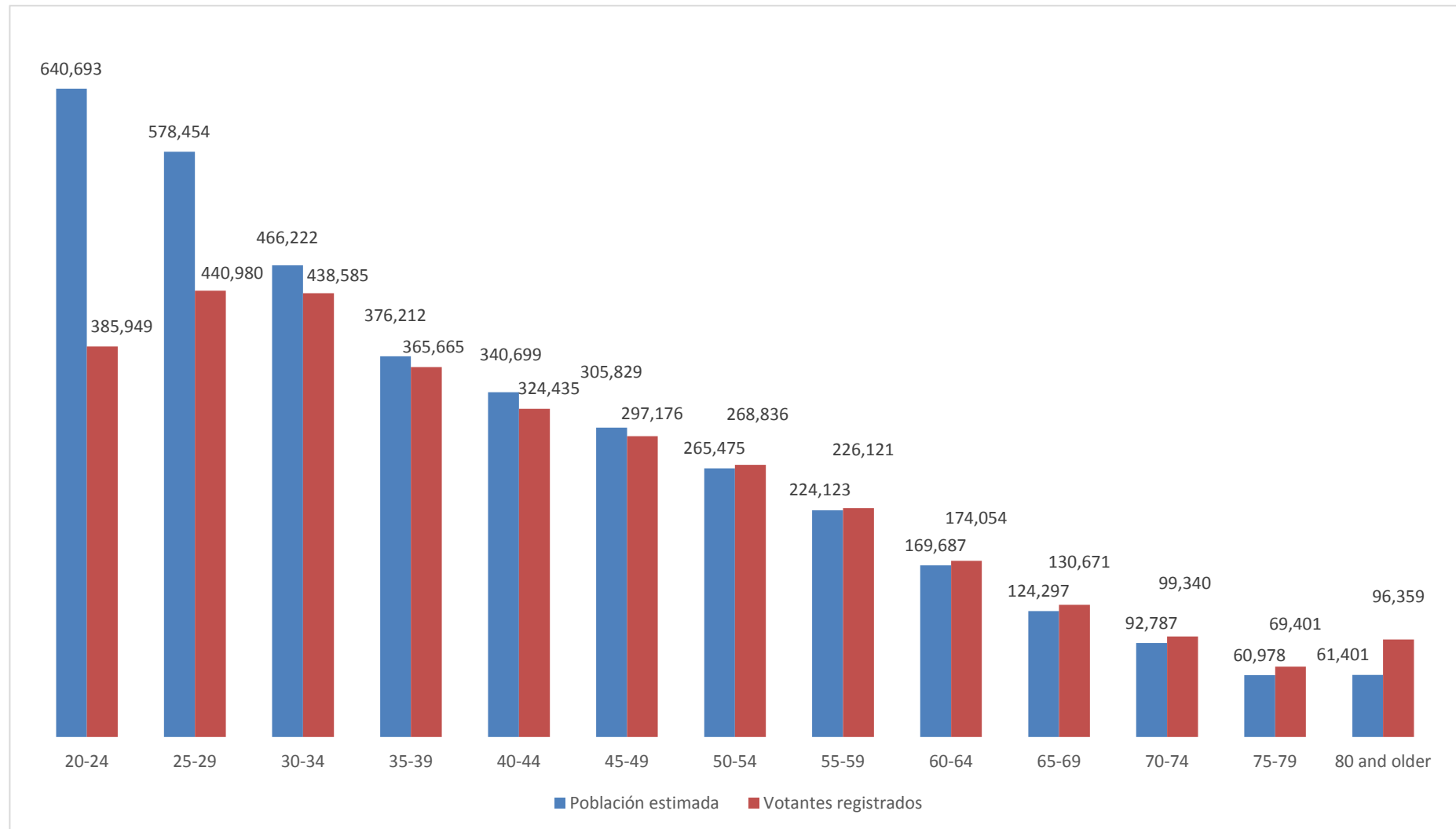
Legend of regional, international instruments and applicable technical and information documentation

	References and Level of Commitment of Paraguay	
A	<p>- (ICCPR) International Covenant on Civil and Political Rights Adopted and opened for signature, ratification and accession by General Assembly on resolution no. 2200 A (XXI), on December 16, 1966 - Entry into force: On March 23, 1976, pursuant to article 49 ACT No.: 5 of 9/APR/1992</p> <p>Observation: Paraguay did not declare -year to date- to recognize the jurisdiction of the Human Rights Committee (Article XLI).</p>	
B	<p>- (OP ICCPR) Optional Protocol to the International Covenant on Civil and Political Rights Adopted and opened for signature, ratification and accession by the United Nations General Assembly on resolution no. 2200 A (XXI), on December 16, 1966. Entry into force: March 23, 1976, pursuant to article 9 of this Protocol ACT No.:400 of 26/AGO/1994</p>	
C	<p>- (ICERD) International Convention on the Elimination of All Forms of Racial Discrimination Adopted and opened for signature and ratification by General Assembly on resolution no. 2106 A (XXI), on December 21, 1965. Entry into force: January 4th, 1969, pursuant to article 19 United Nations Treaty Series No.9464, Vol. 660, p. 195. ACT No.: 2128 of 07/JUL/2003 Observation: Paraguay did not declare -year to date- to recognize the jurisdiction of the Committee on the Elimination of Racial Discrimination (Article 14, Section 1). Likewise, Paraguay did not appoint a relevant National Body pursuant to what has been established in Article 14, Section 2</p>	
D	<p>- (ICESCR) International Covenant on Economic, Social and Cultural Rights Adopted and opened for signature, ratification and accession by General Assembly on resolution no. 2200 A (XXI), on December 16, 1966. Entry into force: On January 3rd, 1976, pursuant to article 27, ACT No.: 4 of 9/APR/1992</p>	
E	<p>- (OP ICESCR) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights Resolution A/RES/63/117 adopted on December 10th, 2008 Signed on 06/OCT/2009 (Does not enter into force)</p>	
F	<p>- (CEDAW) Convention on the Elimination of All Forms of Discrimination against Women. Adopted and opened for signature and ratification, or accession by General Assembly on resolution no. 34/180, on December 18, 1979; entry into force: September 3rd, 1981, pursuant to article 27 (1) ACT No.: 1215 of 8/NOV/1986</p>	
G	<p>- (OP CEDAW) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women Adopted by General Assembly on resolution no. A/54/4, on October 6th, 1999. ACT No.: 1683 of 25/APR/2001 Observation: A State Party to the present protocol recognizes the jurisdiction of the Committee on Elimination of Discrimination against Women (Article 1)</p>	
H	<p>- (CRPD) Convention on the Rights of Persons with Disabilities. Adopted in New York, on December 13th, 2006. Signed: 30-3-2007 - Ratified: 3-09-2008 Entry into force for Paraguay: 03/OCT/2008 - ACT No.: 3540 of 24/JUL/2008</p>	
I	<p>- (OP CRPD) Optional Protocol to the Convention on the Rights of Persons with Disabilities Adopted in New York on December 13th, 2006. Signed: 30-3-2007 - Ratified: 3-9-2008</p>	
J	<p>- (DIP) United Nations Declaration on the Rights of Indigenous Peoples. Resolution adopted by General Assembly [without reference to Main Committee (A/61/L.67 and Add.1)]. Adopted at the 107th plenary meeting. September 13th, 2007</p>	Information and expertise

K	- (VDPA) Vienna Declaration and Programme of Action (World Conference on Human Rights) . Adopted by the World Conference on Human Rights on June 25 th , 1993.	Information and expertise
L	- Report on the Forth World Conference on Women (Beijing) . IV World Conference on Women, held in Beijing on September 4 - 15, 1995, recognizes the Beijing Declaration and Platform for Action.	Information and expertise
M	- (ACHR) American Convention on Human Rights (Pact of San José) . Signed at the Inter-American Specialized Conference on Human Rights, San José, Costa Rica, November 7-22, 1969. Adopted in San José, Costa Rica, on November 22 nd , 1969. Entry into force: July 18 th , 1978, pursuant to Article 74.2 of the Convention. ACT No.:01 OF 8/AGO/1989 <u>Observation:</u> Paraguay approved by Decree No. 16.078 dated 08/JAN/1993 the Recognition of the Jurisdiction of the Inter-American Court of Human Rights and deposited the Declaration Instrument before the OAS General Secretariat on 26/MAR/1993	
N	- (AP ACHRESCR) Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (San Salvador Protocol) . ACT No. 1040 OF 16/APR/1997	
Ñ	- (CIDPM, by its Spanish initials) Inter-American Convention on the Granting of Political Rights to Women (OAS, 1948) ACT No. 876 OF 28/JUN/1963	
O	- (ICEDPD, by its Spanish initials) Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities . Adopted in the City of Guatemala, Guatemala. Date: 06/07/99. Twenty-ninth Regular Session of the General Assembly of the Organization of the American States. Entry into force: 09/14/01. Thirtieth day after the day of deposit of the sixth instrument of ratification by a member State of the OAS (Article VIII, 3). Custodian: GENERAL SECRETARIAT OF THE OAS. Ratified by Paraguay on 22.10.2002	
P	- (IDC) Inter-American Democratic Charter Adopted at the first plenary meeting held on September 11 th , 2001	Information and expertise
Q	- (UDHR) Universal Declaration of Human Rights Adopted by RES. No. 217 A (III) in the city of Paris, 10/DIC/1948. Signed by Paraguay on 10/DEC/1948	
R	- (ADRDM) American Declaration of the Rights and Duties of Man . Adopted during the IX American Conference held in Bogotá, 1948. Signed by Paraguay in 1948	
S	- Declaration of Principles for International Election Observation and Code of Conduct for International Observers . Act of Remembrance held at the United Nations on October 27 th , 2005 in New York	Information and expertise
T	- ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries . Date of Entry into Force: 05:09:1991. Place: Geneva Adoption date: 27.06.1989. Session of the Conference: 76. Subject matter: Indigenous and Tribal Peoples	Information and expertise
U	- European Convention on Human Rights Amended by Protocols no. 11 and 14 supplemented by the additional Protocol and Protocols no. 4, 6, 7, 12 and 13	Information and expertise
V	- (VC) Venice Commission: The European Commission for Democracy through Law , better known as the Venice Commission, the city where it is held, is the Council of Europe's advisory body on constitutional matters.	Information and expertise
W	ESOMAR (European Society for Opinion and Marketing Research) and WAPOR (World Association for Public Opinion Research) Guidelines for Opinion Polls and published Surveys.	Information and expertise
X	Inter-Parliamentary Union (IPU), Declaration of the criteria for free and fair elections (1994) .	Information and

	Ratified by Paraguay in 1994	expertise
Y	- Inter-American Convention against Corruption (OAS) . Ratified by Paraguay on 28/JAN/1997. Act No. 977 from October 20 th , 1996	
Z	- (UNHRC) . United Nations Human Rights Committee General Comment No. 25 (1996) The right to participate in public affairs and the right to vote (ICCPR)	Information and expertise

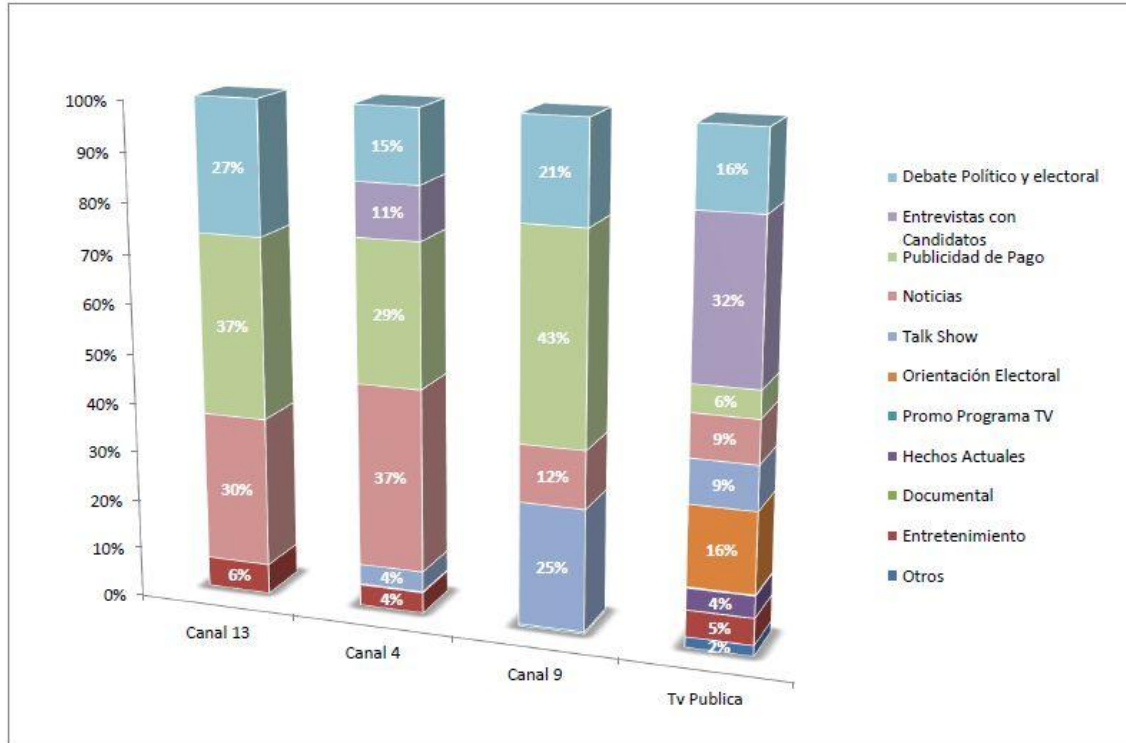
APPENDIX 2 - REGISTERED VOTERS ON ESTIMATED POPULATION IN 2011



APPENDIX 3 - MEDIA MONITORING: FINAL RESULTS

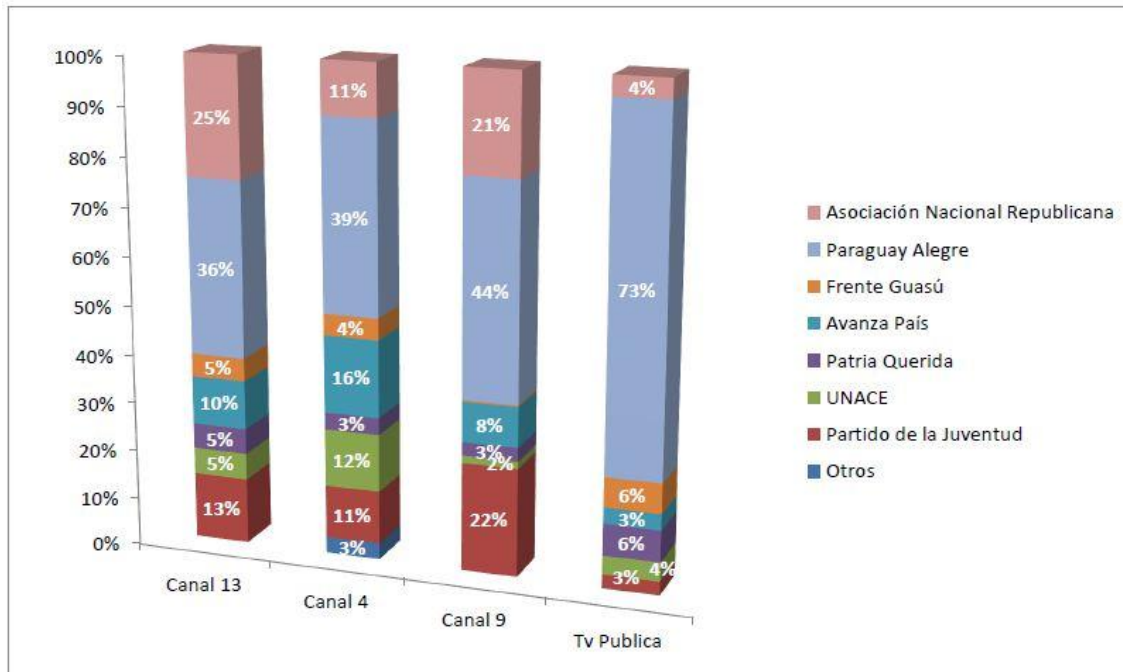
TELEVISION - ALL CHANNELS

Electoral campaign coverage by programme type



Base (minutes): CHANNEL 13 (712), CHANNEL 4 (1307), CHANNEL 9 (983), PUBLIC TV (2116)

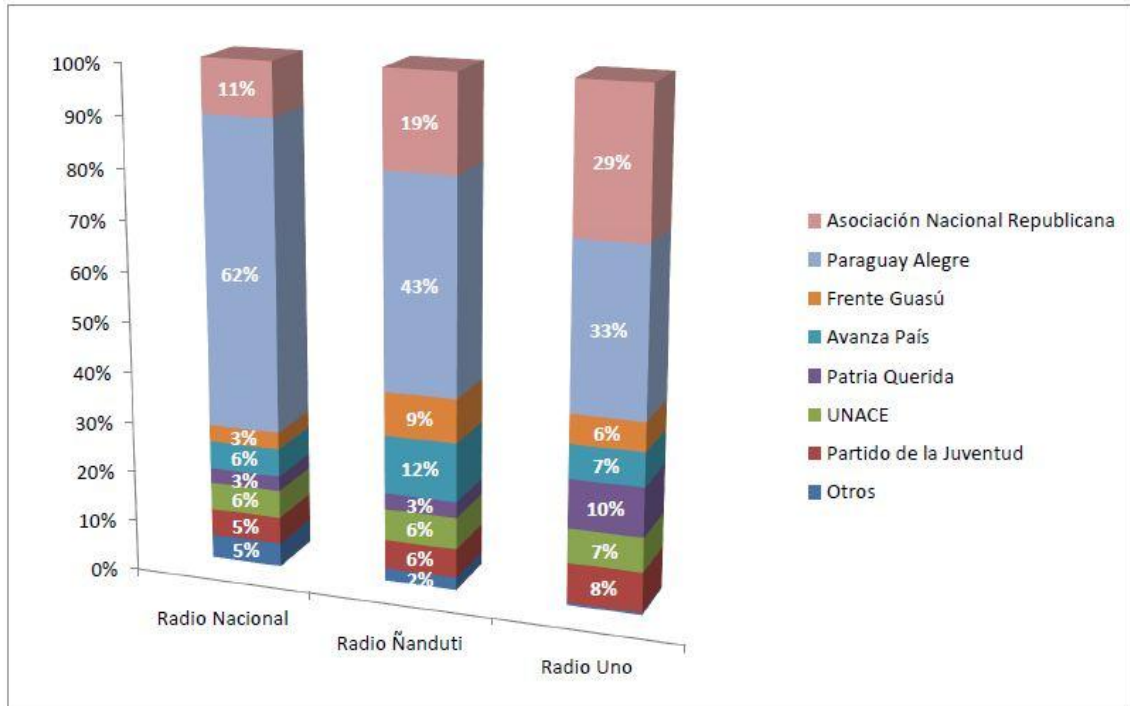
Political groupings appearance on informative programmes



Base (minutes): CHANNEL 13 (215), CHANNEL 4 (483), CHANNEL 9 (114), PUBLIC TV (185)

RADIO – ALL STATIONS

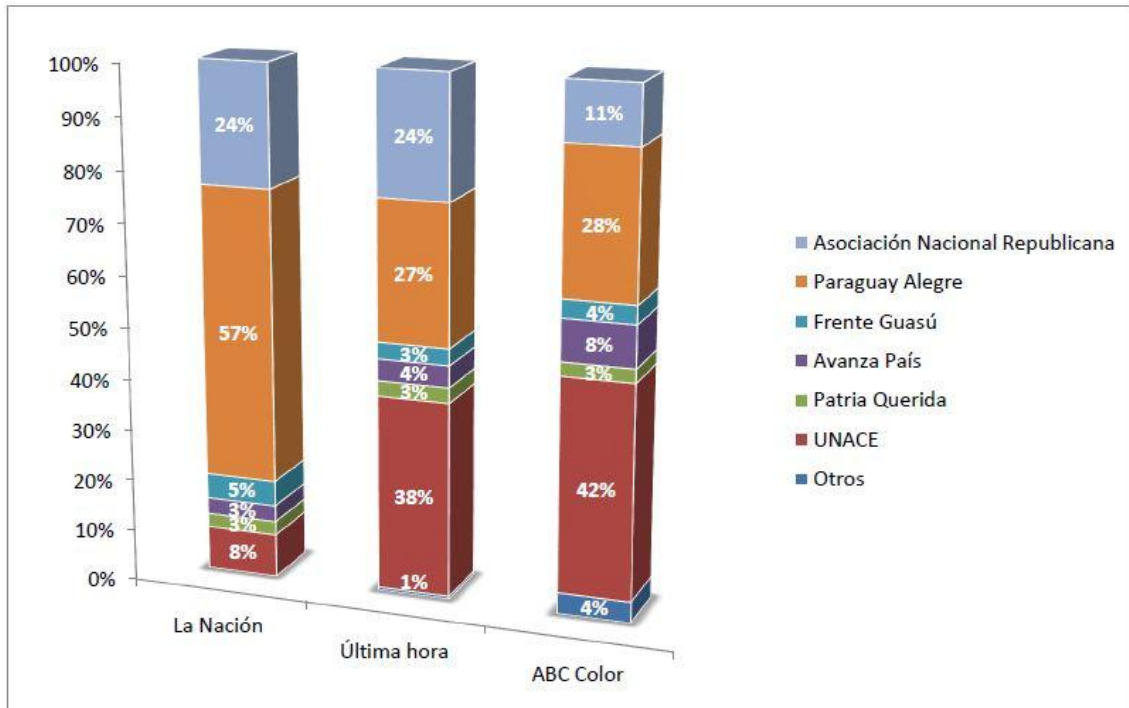
Political groupings appearance on informative programmes



Base (minutes): NATIONAL RADIO (1814), ÑADUTI RADIO (1215), UNO RADIO (1730)

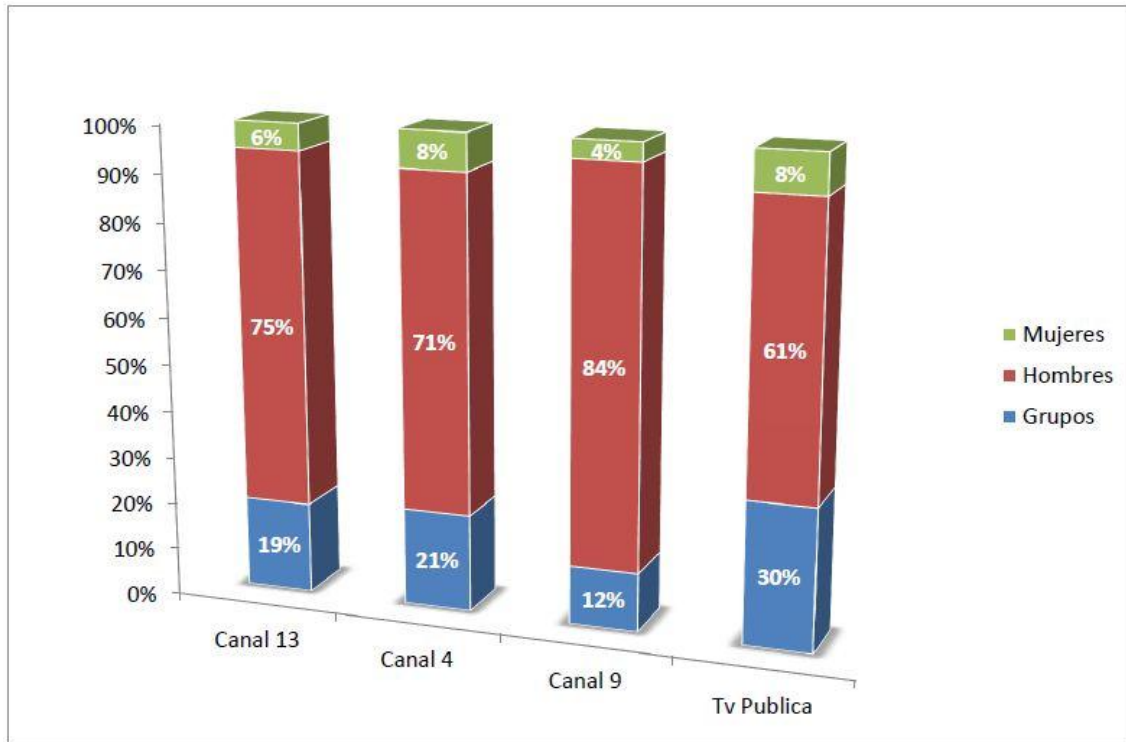
ALL NEWSPAPERS

Political groupings appearance on front page



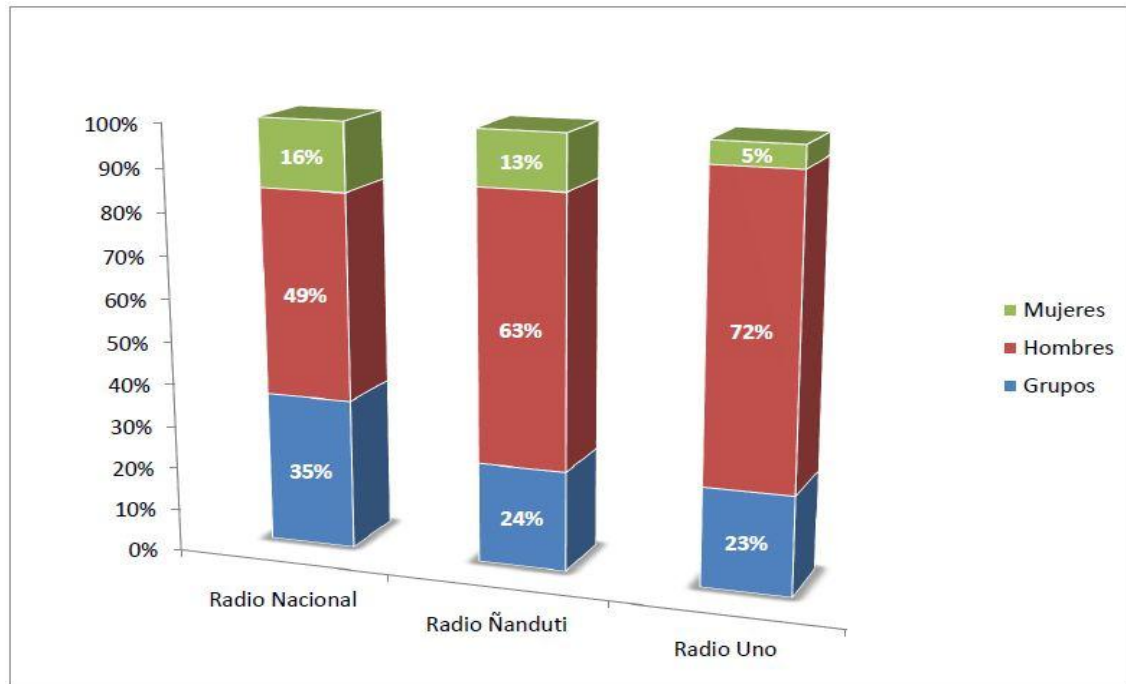
Base (centimetres) ABC Color (3418), Última Hora (4164), La Nación (1364)

POLITICAL PROTAGONISTS APPEARANCE BY GENRE
TELEVISION - ALL CHANNELS - ALL PROGRAMMING



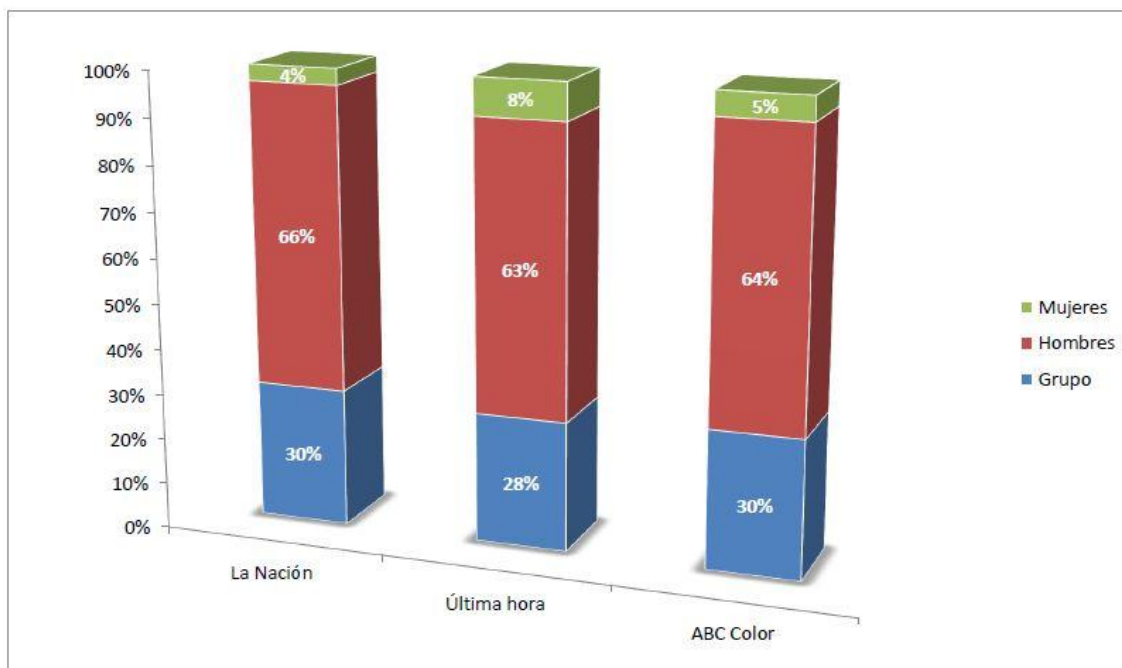
Base (minutes): CHANNEL 13 (712), CHANNEL 4 (1307), CHANNEL 9 (983), PUBLIC TV (2116)

RADIO - ALL STATIONS - ALL BROADCASTING



Base (minutes): NATIONAL RADIO (1831), ÑADUTI RADIO (1489), UNO RADIO (1861)

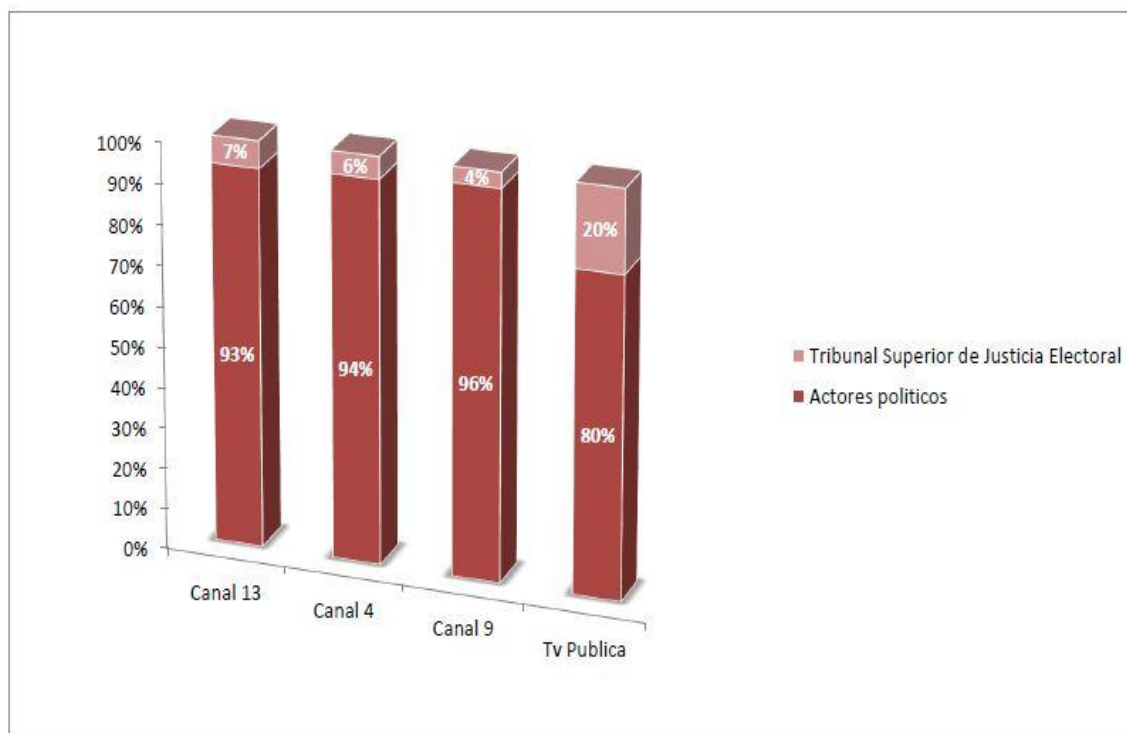
ALL NEWSPAPERS



Base (centimetres) *ABC Color* (193679), *Última Hora* (197117), *La Nación* (109181)

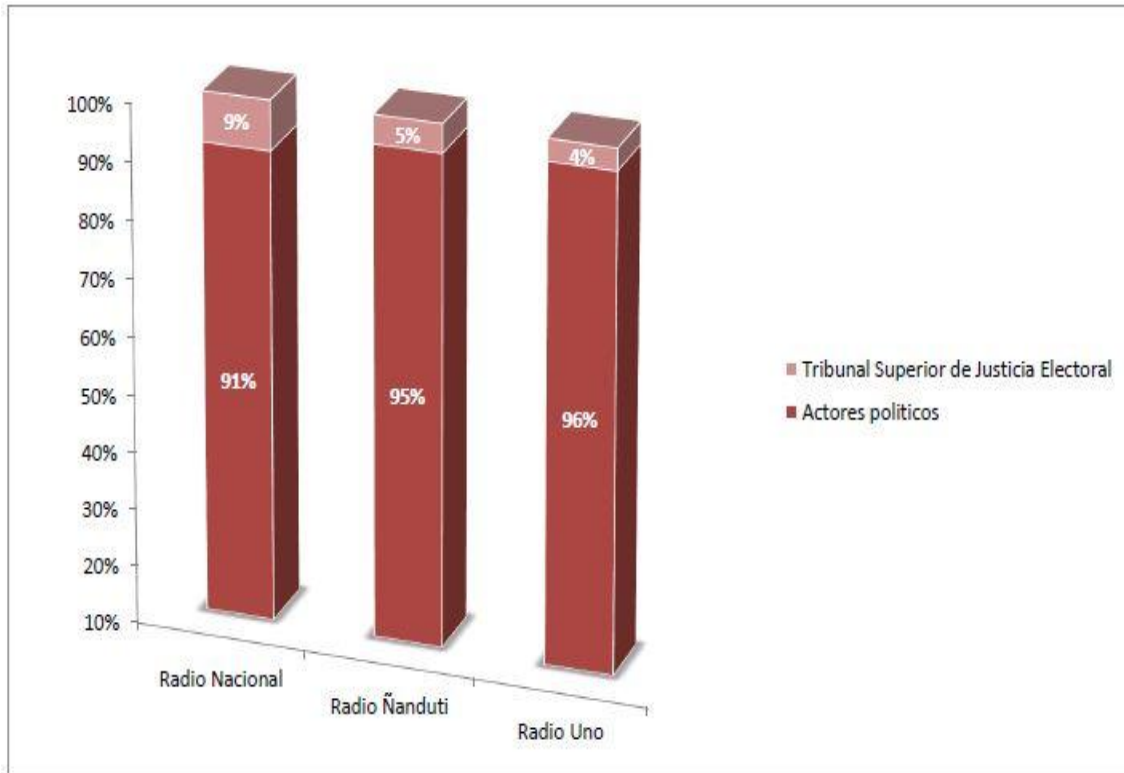
ELECTORAL ORIENTATION CAMPAIGN

TELEVISION - ALL CHANNELS - ALL PROGRAMMING



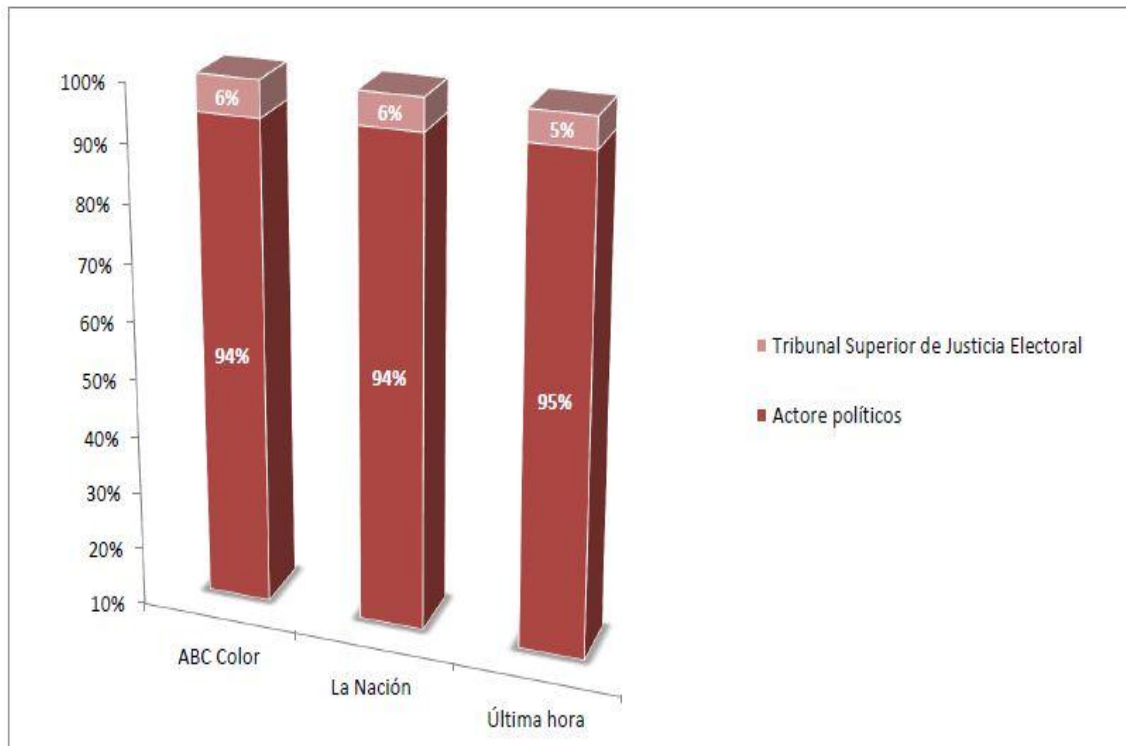
Base (minutes): *CHANNEL 13* (712), *CHANNEL 4* (1307), *CHANNEL 9* (983), *PUBLIC TV* (2116)

RADIO - ALL STATIONS - ALL BROADCASTING



Base (minutes): NATIONAL RADIO (1831), ÑADUTI RADIO (1489), UNO RADIO (1861)

ALL NEWSPAPERS



Base (centimetres) ABC Color (193679), Última Hora (197117), La Nación (109181)

APPENDIX 4 - FINAL RESULTS OF THE 2013 GENERAL ELECTIONS PROCLAIMED BY THE SCEJ (DECISION 14/2013 AND 14/2013 BIS)



Results for President/Vicepresident

	Party/Movement/Alliance/Partnership (concertación)	VOTES
1	NATIONAL REPUBLICAN ASSOCIATION	1,104,169
3	COUNTRY FORWARD	141,716
4	ALIANZA PARAGUAY ALEGRE (Liberal party)	889,451
5	PARAGUAYAN HUMANIST PARTY	4,264
7	NATIONAL UNION OF ETHICAL CITIZENS	19,416
8	BELOVED FATHERLAND PARTY	27,026
1	WHITE PARTY	2,767
1	WORKERS' PARTY	3,011
4	CONCERTACION NACIONAL FRENTE GUASU	79,573
5	FREE HOMELAND PARTY	2,416
6	KUÑA PYRENDA MOVEMENT	3,925
	BLANK VOTES	72,066
	NULL VOTES	59,637
	TOTAL VOTES	2,409,437



Results for Senators	
Party/Movement/Alliance/Partnership (concertación)	Votes
NATIONAL REPUBLICAN ASSOCIATION	865,206
AUTHENTIC RADICAL LIBERAL PARTY	588,054
COUNTRY FORWARD	117,056
PARAGUAYAN HUMANIST PARTY	3,484
NATIONAL UNION OF ETHICAL CITIZENS	90,640
BELOVED FATHERLAND PARTY	45,168
NATIONAL ENCOUNTER PARTY	78,460
WHITE PARTY	1,961
MOVIMIENTO PUEBLO EN ACCION	3,673
WORKERS' PARTY	2,840
MOV. DEMOCRATICO INDEPENDIENTE PARTICIPATIVO	2,007
MOV. UNIDAD DEMOCRATICA PARA LA VICTORIA	3,662
YOUTH PARTY	28,129
SOCIAL DEMOCRATIC PARTY	7,768
PARTIDO VERDE PARAGUAY	1,541
MOV. POL. NACIONAL PLURALISTA Y PARTICIPATIVO AUGUST 30 th	7,460
CONCERTACION NACIONAL FRENTE GUASU	238,313
MOVIMIENTO INDEPENDIENTE INSTITUCIONAL	1,917
FREE HOMELAND PARTY	2,322
KUÑA PYRENDA MOVEMENT	5,416
DEMOCRATIC PROGRESSIVE PARTY	144,691
MOV. INDEPENDIENTE CONSTITUCIONALISTA EN ALIANZA	7,509
BLANK VOTES	80,803
NULL VOTES	79,086
TOTAL VOTES	2,407,166

SUMMARY OF VOTES

Member of Parliament

	Party/Movement/Alliance/Agreement	Votes
1	NATIONAL REPUBLICAN ASSOCIATION	919,625
2	AUTHENTIC RADICAL LIBERAL PARTY	656,301
3	COUNTRY FORWARD	84,826
4	ALIANZA ALTO PARAGUAY ALEGRE	1,597
4	ALIANZA PASION CHAQUEÑA	15,656
5	PARAGUAYAN HUMANIST PARTY	4,225
7	NATIONAL UNION OF ETHICAL CITIZENS	147,534
8	BELOVED FATHERLAND PARTY	63,662
9	NATIONAL ENCOUNTER PARTY	108,662
10	WHITE PARTY	2,677
13	MOVIMIENTO PUEBLO EN ACCION	3,107
14	WORKERS' PARTY	1,338
16	MOV. DEMOCRATICO INDEPENDIENTE PARTICIPATIVO	1,905
18	MOVIMIENTO UNIDAD DEMOCRATICA PARA LA VICTORIA	2,702
21	YOUTH PARTY	28,543
22	SOCIAL DEMOCRATIC PARTY	7,068
23	PARTIDO VERDE PARAGUAY	1,826
25	CIVIC AWAKENING MOVEMENT	9,661
28	LIBERAL PARTY	579
30	MOVIMIENTO NACIONAL PLURALISTA Y PARTICIPATIVO "30 DE AGOSTO	7,080
40	CONCERTACION NACIONAL FRENTE GUASU	122,440
44	MOVIMIENTO PODER CIUDADANO EN ACCION	2,017
50	MOVIMIENTO INDEPENDIENTE INSTITUCIONAL	1,575
55	FREE HOMELAND PARTY	1,625
69	KUÑA PYRENDIA MOVEMENT	8,153
75	MOVIMIENTO REGIONAL DE LOS TRABAJADORES	189
100	CONCERTACION TODOS POR CONCEPCION	1,822
100	DEMOCRATIC PROGRESSIVE PARTY	30,579
110	MOVIMIENTO PARA EL PUEBLO ENCARNACION	656
500	MOVIMIENTO MAS PARAGUAY	251
900	MOVIMIENTO INDEPENDIENTE CONSTITUCIONALISTA EN ALIANZA	5,063
	BLANK VOTES	88,017
	NULL VOTES	67,888
	TOTAL VOTES	2,399,626
	PARTICIPATION	68,24

[Signed by four people]

[Seal of the Superior Court of Electoral Justice]

Results for Mercosur Parliamentarian

	Party/Movement/Alliance/Agreement	Votes
1	NATIONAL REPUBLICAN ASSOCIATION	947,745
2	AUTHENTIC RADICAL LIBERAL PARTY	644,183
3	COUNTRY FORWARD	67,362
7	NATIONAL UNION OF ETHICAL CITIZENS	95,686
8	BELOVED FATHERLAND PARTY	62,686
9	NATIONAL ENCOUNTER PARTY	69,812
10	WHITE PARTY	3,164
13	MOVIMIENTO PUEBLO EN ACCION	7,188
18	MOVIMIENTO UNIDAD DEMOCRATICA PARA LA VICTO	7,674
21	YOUTH PARTY	17,429
22	SOCIAL DEMOCRATIC PARTY	17,699
28	LIBERAL PARTY	6,447
30	MOVIMIENTO NACIONAL PLURALISTA Y PARTICIPATIVO "30 DE AGOSTO	7,395
40	CONCERTACION NACIONAL FRENTE GUASU	173,839
50	MOVIMIENTO INDEPENDIENTE INSTITUCI	1,737
55	FREE HOMELAND PARTY	2,455
69	KUÑA PYRENDA MOVEMENT	23,518
100	DEMOCRATIC PROGRESSIVE PARTY	36,320
900	MOVIMIENTO INDEPENDIENTE CONSTITUCIONALISTA EN ALIANZA	8,555
	BLANK VOTES	135,101
	NULL VOTES	70,931
	TOTAL VOTES	2,406,926

PARTICIPATION 68.45%

SEAL

Superior Court of Electoral Justice

Corresponding to Agreement and Court Ruling No. 14/201

Governor

	Party/Movement/Alliance/Partnetship (concentración)	Votes
1	NATIONAL REPUBLICAN ASSOCIATION	909,612
2	AUTHENTIC RADICAL LIBERAL PARTY	693,496
3	COUNTRY FORWARD	41,918
4	ALIANZA ALTO PARAGUAY ALEGRE	2,752
4	ALIANZA ITAPUA ALEGRE	47,174
4	ALIANZA PASION CHAQUEÑA	21,154
4	ALIANZA PATRIOTICA CAAZAPEÑA	18,766
4	ALIANZA TODOS POR UN PARAGUAY ALEGRE	38,069
5	PARAGUAYAN HUMANIST PARTY	951
7	NATIONAL UNION OF ETHICAL CITIZENS	75,449
8	BELOVED FATHERLAND PARTY	12,287
9	NATIONAL ENCOUNTER PARTY	59
10	WHITE PARTY	3,531
13	MOVIMIENTO PUEBLO EN ACCION	219
14	WORKERS' PARTY	525
18	MOV. UNIDAD DEMOCRATICA PARA LA VICTORIA	401
21	YOUTH PARTY	3,327
22	SOCIAL DEMOCRATIC PARTY	171
23	PARTIDO VERDE PARAGUAY	1,072
40	CONCERTACION NACIONAL FRENTE GUASU	104,252
55	FREE HOMELAND PARTY	2,911
69	KUÑA PYRENDA MOVEMENT	1,909
100	DEMOCRATIC PROGRESSIVE PARTY	5,010
900	MOV. INDEPENDIENTE CONSTITUCIONALISTA EN ALIANZA	920
911	MOVIMIENTO OPORTUNIDAD PARA TODOS	3,235
	BLANK VOTES	71,917
	NULL VOTES	53,930
	TOTAL VOTES	2,115,017
	PARTICIPATION	60.15

SEAL

GENERAL ELECTIONS 2013

County Board

	Party/Movement/Alliance/Partnetship (concentración)	Votes
1	NATIONAL REPUBLICAN ASSOCIATION	836,785
2	AUTHENTIC RADICAL LIBERAL PARTY	614,705
3	COUNTRY FORWARD	85,801
4	ALIANZA ALTO PARAGUAY ALEGRE	1,562
4	ALIANZA PASION CHAQUEÑA	14,372
5	PARAGUAYAN HUMANIST PARTY	560
7	NATIONAL UNION OF ETHICAL CITIZENS	99,291
8	BELOVED FATHERLAND PARTY	41,143
9	NATIONAL ENCOUNTER PARTY	21,687
10	WHITE PARTY	4,854
13	MOVIMIENTO PUEBLO EN ACCION	1,648
14	WORKERS' PARTY	1,728
16	MOV. DEMOCRATICO INDEPENDIENTE PARTICIPAT	2,157
18	MOVIMIENTO UNIDAD DEMOCRATICA PARA LA VICTORIA	2,918
21	YOUTH PARTY	22,514
22	SOCIAL DEMOCRATIC PARTY	4,537
23	PARTIDO VERDE PARAGUAY	2,633
28	LIBERAL PARTY	780
30	MOVIMIENTO NACIONAL PLURALISTA Y PARTICIPATIVO "30 DE AGOSTO	9,293
40	CONCERTACION NACIONAL FRENTE GUASU	117,843
50	MOVIMIENTO INDEPENDIENTE INSTITUCI	1,269
55	FREE HOMELAND PARTY	2,044
69	KUÑA PYRENDA MOVEMENT	8,820
75	MOVIMIENTO REGIONAL DE LOS TRABAJADORES	207
100	CONCERTACION TODOS POR CONCEPCION	675
100	DEMOCRATIC PROGRESSIVE PARTY	30,484
500	MOVIMIENTO MAS PARAGUAY	621
900	MOVIMIENTO INDEPENDIENTE CONSTITUCIONALISTA EN ALIANZA	6,109
911	MOVIMIENTO OPORTUNIDAD PARA TODOS	2,708
	BLANK VOTES	110,672
	NULL VOTES	62,209
	TOTAL VOTES	2,112,719

The event was considered completed, and the decree that immediately follows was agreed.

[Signed by four people]

[Seal of the Superior Court of Electoral Justice]



Todos votamos... Paraguay gana

ELECCIONES
GENERALES 2013
Justicia Electoral

RESUMEN DE VOTOS

Diputados

	Partido/Movimiento/Alianza/Concertación	Votos
1	PARTIDO COLORADO	919.625
2	PARTIDO LIBERAL RADICAL AUTENTICO	656.301
3	AVANZA PAIS	84.826
4	ALIANZA ALTO PARAGUAY ALEGRE	1.597
4	ALIANZA PASION CHAQUEÑA	15.656
5	PARTIDO HUMANISTA PARAGUAYO	4.225
7	UNION NACIONAL DE CIUDADANOS ETICOS	147.534
8	PARTIDO PATRIA QUERIDA	63.662
9	PARTIDO ENCUENTRO NACIONAL	108.662
10	PARTIDO BLANCO	2.677
13	MOVIMIENTO PUEBLO EN ACCION	3.107
14	PARTIDO DE LOS TRABAJADORES	1.338
16	MOV. DEMOCRATICO INDEPENDIENTE PARTICIPATIVO	1.905
18	MOV. UNIDAD DEMOCRATICA PARA LA VICTORIA	2.702
21	PARTIDO DE LA JUVENTUD	28.543
22	PARTIDO SOCIAL DEMOCRATA	7.062
23	PARTIDO VERDE PARAGUAY	1.826
25	MOVIMIENTO DESPERTAR CIUDADANO	9.661
26	MOVIMIENTO PROPUESTA POR LA SOBERANIA NACIONAL	783
28	PARTIDO LIBERAL	579
30	MOV. POL. NACIONAL PLURALISTA Y PARTICIPATIVO 30 DE AGOSTO	7.080
40	CONCERTACION NACIONAL FRENTE GUASU	122.440
44	MOVIMIENTO PODER CIUDADANO EN ACCION	2.017
50	MOVIMIENTO INDEPENDIENTE INSTITUCIONAL	1.575
55	PARTIDO PATRIA LIBRE	1.625
69	MOVIMIENTO KUÑA PYRENDA	8.153
75	MOVIMIENTO REGIONAL DE LOS TRABAJADORES	189
100	CONCERTACION TODOS POR CONCEPCION	1.822
100	PARTIDO DEMOCRATICO PROGRESISTA	30.579
110	MOVIMIENTO PARA EL PUEBLO ENCARNACION	656
500	MOVIMIENTO MAS PARAGUAY	251
900	MOV. INDEPENDIENTE CONSTITUCIONALISTA EN ALIANZA	5.063
	VOTOS BLANCOS	88.017
	VOTOS NULOS	67.888
	TOTAL DE VOTOS	2.399.626
	PARTICIPACION	68,24

Maria Elena Wapenta Galeano
ALBERTO RAMIREZ ZAMBONINI

PATRICIA B...

Louises Raquel
Abog. Louises Raquel
Secretaria Judicial



Paola Molinas B.
Abg. Paola Molinas B.
Secretaria General



Resultados para Parlamentarios del Mercosur

	Partido/Movimiento/Alianza/Concertación	Votos
1	PARTIDO COLORADO	947.745
2	PARTIDO LIBERAL RADICAL AUTENTICO	644.183
3	AVANZA PAIS	67.362
7	UNION NACIONAL DE CIUDADANOS ETICOS	95.686
8	PARTIDO PATRIA QUERIDA	62.686
9	PARTIDO ENCUENTRO NACIONAL	69.812
10	PARTIDO BLANCO	3.164
13	MOVIMIENTO PUEBLO EN ACCION	7.188
18	MOV. UNIDAD DEMOCRATICA PARA LA VICTORIA	7.674
21	PARTIDO DE LA JUVENTUD	17.429
22	PARTIDO SOCIAL DEMOCRATA	17.699
28	PARTIDO LIBERAL	6.447
30	MOV.POL.NACIONAL PLURALISTA Y PARTICIPATIVO 30 DE AGOSTO	7.395
40	CONCERTACION NACIONAL FRENTE GUASU	173.839
50	MOVIMIENTO INDEPENDIENTE INSTITUCIONAL	1.737
55	PARTIDO PATRIA LIBRE	2.455
69	MOVIMIENTO KUÑA PYRENDA	23.518
100	PARTIDO DEMOCRATICO PROGRESISTA	36.320
900	MOV. INDEPENDIENTE CONSTITUCIONALISTA EN ALIANZA	8.555
	VOTOS BLANCOS	135.101
	VOTOS NULOS	70.931
	TOTAL DE VOTOS	2.406.926

PARTICIPACION 68,45%



Todos votamos... Paraguay gana
ELECCIONES
GENERALES 2013
Justicia Electoral

Expediente: "Juzgamiento y cómputo definitivo las Elecciones Generales y Departamentales del de abril de 2013, convocadas por Resolución TS N° 65/2012"

Tribunal Superior de Justicia Electoral

Corresponde al Acuerdo y Sentencia N°14 /2013 l

Gobernador

	Partido/Movimiento/Alianza/Concertación	Votos
1	PARTIDO COLORADO	909.612
2	PARTIDO LIBERAL RADICAL AUTENTICO	693.496
3	AVANZA PAIS	41.918
4	ALIANZA ALTO PARAGUAY ALEGRE	2.752
4	ALIANZA ITAPUA ALEGRE	47.174
4	ALIANZA PASION CHAQUEÑA	21.154
4	ALIANZA PATRIOTICA CAAZAPENA	18.766
4	ALIANZA TODOS POR UN PARAGUARI ALEGRE	38.069
5	PARTIDO HUMANISTA PARAGUAYO	951
7	UNION NACIONAL DE CIUDADANOS ETICOS	75.449
8	PARTIDO PATRIA QUERIDA	12.287
9	PARTIDO ENCUENTRO NACIONAL	59
10	PARTIDO BLANCO	3.531
13	MOVIMIENTO PUEBLO EN ACCION	219
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18	MOV. UNIDAD DEMOCRATICA PARA LA VICTORIA	401
21	PARTIDO DE LA JUVENTUD	3.327
22	PARTIDO SOCIAL DEMOCRATA	171
23	PARTIDO VERDE PARAGUAY	1.072
40	CONCERTACION NACIONAL FRENTE GUASU	104.252
55	PARTIDO PATRIA LIBRE	2.911
69	MOVIMIENTO KUÑA PYRENDA	1.909
100	PARTIDO DEMOCRATICO PROGRESISTA	5.010
900	MOV. INDEPENDIENTE CONSTITUCIONALISTA EN ALIANZA	920
911	MOVIMIENTO OPORTUNIDAD PARA TODOS	3.235
	VOTOS BLANCOS	71.917
	VOTOS NULOS	53.930
	TOTAL DE VOTOS	2.115.017
	PARTICIPACION	60,15

Maria Elena Wapetcha Galeano
ALBERTO RAMIREZ ZAMBONINI

PATRICIA BLASCO

Abog. Lourdes Raquel...
Secretaria Judicial



Abg. Paola Molin...
Secretaria Gene.



Todos votamos... Paraguay gana

ELECCIONES
GENERALES 2013
Justicia Electoral

Junta Departamental

	Partido/Movimiento/Alianza/Concertación	Votos
1	PARTIDO COLORADO	836.785
2	PARTIDO LIBERAL RADICAL AUTENTICO	614.705
3	AVANZA PAIS	85.801
4	ALIANZA ALTO PARAGUAY ALEGRE	1.562
4	ALIANZA PASION CHAQUEÑA	14.372
5	PARTIDO HUMANISTA PARAGUAYO	560
7	UNION NACIONAL DE CIUDADANOS ETICOS	99.291
8	PARTIDO PATRIA QUERIDA	41.143
9	PARTIDO ENCUENTRO NACIONAL	21.687
10	PARTIDO BLANCO	4.854
13	MOVIMIENTO PUEBLO EN ACCION	1.648
14	PARTIDO DE LOS TRABAJADORES	1.728
16	MOV. DEMOCRATICO INDEPENDIENTE PARTICIPATIVO	2.157
18	MOV. UNIDAD DEMOCRATICA PARA LA VICTORIA	2.918
21	PARTIDO DE LA JUVENTUD	22.514
22	PARTIDO SOCIAL DEMOCRATA	4.537
23	PARTIDO VERDE PARAGUAY	2.633
28	PARTIDO LIBERAL	780
30	MOV. POL. NACIONAL PLURALISTA Y PARTICIPATIVO 30 DE AGOSTO	9.293
40	CONCERTACION NACIONAL FRENTE GUASU	117.843
50	MOVIMIENTO INDEPENDIENTE INSTITUCIONAL	1.269
55	PARTIDO PATRIA LIBRE	2.044
69	MOVIMIENTO KUÑA PYRENDA	8.820
75	MOVIMIENTO REGIONAL DE LOS TRABAJADORES	207
100	CONCERTACION TODOS POR CONCEPCION	675
100	PARTIDO DEMOCRATICO PROGRESISTA	30.484
500	MOVIMIENTO MAS PARAGUAY	621
900	MOV. INDEPENDIENTE CONSTITUCIONALISTA EN ALIANZA	6.169
911	MOVIMIENTO OPORTUNIDAD PARA TODOS	2.708
	VOTOS BLANCOS	110.672
	VOTOS NULOS	62.209
	TOTAL DE VOTOS	2.112.719
	PARTICIPACION	60,08

Con lo que se dio por terminado el acto, quedando acordada la sentencia que sigue de inmediato.

Maria Elena Wapenka Galvan
ALBERTO RAMÍREZ ZAMBONINI

PATRICIA BLASCO

Abog. Lourdes Raquel...
Secretaria Judicial



Abg. Paola Molinas B.
Secretaria General