

PARAGUAY

POLITICAL TENSION AFFECTS THE PRESS AND CIVIL SOCIETY

Executive Summary

The analysis of the situation of journalism and freedom of expression in Paraguay exposed continuous challenges like violence against journalists and impunity for such actions, particularly in the area related to legislative matters. Also, the use of a special law for the protection of female that has been used to censor investigations and silence critics. Despite some progress in information plurality due to the emergence of alternative media and the use of social media, the context of Control over the Media has not changed much. Likewise, there are government policies that have restricted the exercise of the right of access to information.

Introduction

During his first year in office, President Santiago Peña, who took office on August 15, 2023 after winning the April general elections, has governed with solid support in both chambers of the National Congress, although not without internal friction. This scenario has reinforced the political power of the Colorado Party, whose ownership is in the hands of the former President of the Republic, Horacio Cartes, who was declared as "significantly corrupt" by the US State Department in 2022, and is regarded by the opposition as the real ruler of the country. This, and the government's successive actions, have caused political and even diplomatic tensions with the U.S. Ambassador to Paraguay.

This first year of administration has been marked by tensions, political crises and doubts of different kinds. Different opposition stakeholders, who are a minority in both chambers of Congress, have reported a climate of political censorship, violations of freedoms, restrictions to public discussion on national interest issues, and arbitrary sanctions to critical political players, as the case of the loss of the authority of former Senator Kattya González on February 14, 2024.

Such complaints represent a growing discomfort of the opposition sector due to the lack of open spaces for debate and exchange of ideas that creates a climate of polarization. Similarly, the pro-government sector has moved forward through a draft bill that seeks to regulate civil society organizations under the slogan of "transparency", looking for unconscionable controls, disclosure of private information, ambiguous provisions, and exorbitant fines in non-compliance cases.

Representatives of civil society organizations have described the bill as an attempt to censor their work. Although President Peña supports the idea of transparency in this area, he took position against the bill approved by the Senate on July 8, 2024. As of the date of culmination of this report, the bill is with the Chamber of Deputies.

The role of the media has not evaded the climate of tension and aggression either. Female journalists covering at the National Congress have been subject to aggressions by some parliamentarians. This raises concerns about the impunity in kind of actions when the political power is held responsible and for the lack of guarantees to work freely in institutions of this nature.

In the area of transparency, some government decisions have been perceived as a setback in the access to public information by limiting the possibility of individuals to present requests for information without abundant formal requirements. This has raised criticism at civil society sectors.

In face of these challenges, the government of Santiago Peña is dealing with increasing demands for a more inclusive and transparent exercise of governance, while the political scenario revolves around tensions with the opposition, with civil society organizations, attacks on the press, and growing concerns about respect for fundamental freedoms.

Analysis of results: Violence against Journalists continues, and the situation of female journalists worsens

Throughout the period surveyed, journalists in Paraguay kept facing risky environments during the exercise of their work. According to data published by the Board for the Safety of Journalists of Paraguay (Mesa para la Seguridad de Periodistas del Paraguay), no cases of murders, forced disappearances, or kidnappings of journalists were registered during this period, which is encouraging compared to previous years. However, the panorama is not free of concerns. At least 22 incidents of aggressions and threats against journalists - in which government actors were directly involved - were reported. Though, it is worth noting that the total number of incidents is lower than those registered in the previous report, which took place during an electoral context. In short, these events underscore the vulnerability of press workers in a highly polarized political and social climate.

On the other hand, there were no reports of direct attacks on the media or forced displacements of journalists, both internal or external. Although there were some cases of censorship affecting journalists and media outlets, endorsed by judicial decisions and the implementation of a law for the protection of women as a mechanism for censoring political criticism. In the judicial arena, however, it stands out a sentence issued by a court in the city of Villarrica against a person who threatened to kill a journalist.

Although more serious incidents -such as murders and forced disappearances- have not taken place, the record of threats and aggressions shows that tensions remain in respect of freedom of the press and the safety of journalists in Paraguay.

The analysis of the results reveals an upsetting panorama regarding the safety of female journalists, especially those who cover political matters. Although Paraguay remains in 9th place among the 22 countries assessed by the Index, the lack of homicides or forced disappearances does not mean a safe environment for the practice of journalism, especially for women. There are 22 reported attacks and threats that stand for the existence of violence, and the case of

Congressman Yamil Esgaib is a remarkable example of how high-ranked political players can be direct aggressors.

Female journalists are not only victims of physical and verbal aggressions, as seen in the cases of Rocio Pereira and Sara Moreno, but also of continuous harassment intended to discredit their voices and silence them, as seen in the case of Mercedes "Menchi" Barriocanal. These aggressions are a manifestation of a culture that fails to sufficiently protect freedom of the press, where personalities like Esgaib and Senator Yami Nal are the main offenders in acts of intimidation.

The case of the judicial censorship of journalists like Mabel Portillo and Fredy Chamorro underscores an extent of the problem where the judicial system is used as a tool to discourage the work of journalists. The precautionary measures imposed by judges in cases related to the protection of privacy, or Law 5777 on Comprehensive Protection of Female (Ley 5777 de Protección Integral a las Mujeres), show how the misuse of the justice or the wrongful interpretations of the law are used by the political power as an effective weapon to silence journalistic investigations or any criticisms that exposes wrongdoings.

A study conducted by the Interdisciplinary Center for Social Law and Economics (Centro Interdisciplinario de Derecho Social y Economía, CIDSEP), in collaboration with UNESCO, exposed by the Board for the Safety of Journalists, adds an extra layer to the risks by revealing that more than 50% of the journalists surveyed (200) have resorted to self-censorship due to the violence exposed which, in addition, has caused them to lessen their presence in social media (35%). This data, together with the perceived lack of security (37%) and the increasing digital intimidation (61.5%), emphasizes on the hostile environment journalists operate under in Paraguay. In addition, the lack of safety protocols in media outlets and the unawareness of their existence by journalists (41.5 %) displays the structural vulnerability journalists find themselves in. The strong demand for a special law to protect journalists (93%) exposes the urgency for a more active government intervention to ensure safety for those exercising this profession. The proposal to offer free lawyers to aggrieved journalists and the possibility of relocating them, if found in risky situations, are concrete measures that seek to mitigate the impact of this continuous violence.

On the Environments

Although structural difficulties continue, the Judicial Branch is perceived as the least influential on freedom of expression, with a score of 1.35. This contrasts with the Legislative Branch (2.79) and the Executive Branch (2.75), which maintain a moderate influence. However, the perception of less negative influence by the Judicial Environment does not imply that it is exempt from being a facilitating platform for censorship, especially through the application of Law 5777 "For the comprehensive protection of female, against all forms of violence", which has been used by political players in different instances to restrict journalistic work.

Throughout the period surveyed, the use of this law as a tool for censorship has been observed in outstanding cases like that of Christian Chena who was subject to a censorship order when he referred to a court case. Equally relevant is the case of Alfredo Guachiré who, when investigating a female judge for alleged domestic violence, was warned about possible legal actions based on Law 5777/16. The case of Fredy Chamorro, together with Hernán Núñez and Álvaro Báez, also stressed on the application of precautionary measures of censorship on journalistic investigations on issues of public interest.

Despite the above referred examples, the Judicial Branch is regarded as the least damaging environment for freedom of the press compared to the Legislative and Executive Branches.

However, the documented cases reflect the need for greater observance regarding the use of the judicial system as a censorship mechanism.

The Board for the Safety of Journalists, already a good consolidated practice, continues to monitor these situations, but still faces the challenge of strengthening its institutional capacity to provide more effective protection to media employees who exercise their profession in an environment that, although moderately restrictive, continues to exhibit significant risks to freedom of expression in Paraguay.

Realm Citizens Free to Express Themselves

The analysis of the environment in the realm of Informed Citizenship and Freedom of Expression in Paraguay, based on the Chapultepec Index, displays a mixed condition with improvements and setbacks. This realm exhibits a score of 14.29 out of a theoretical maximum of thirty. With respect to the influence of the environments in unfavorable situations, the Legislative Environment received a moderate influence score of 3.9, the Executive 3.62, moderate influence, and the Judicial received a more favorable score of 1.67, mild influence. This suggests that, as already mentioned, despite specific challenges, the Judiciary is perceived as the least restrictive branch for freedom of expression in Paraguay, although this does not mean a total absence of difficulties.

Paraguay	Legislative Environment	Judicial Environment	Executive Environment
Citizens Free to Express Themselves	3,9	1,67	3,62

Source: Chapultepec Index.

This realm displays the following data:

	Theoretical Maximum	Score
Realm A: Citizens Free to Express Themselves	30	14,29
Information Flow	11	6,57
Freedom of Expression	9	5
Disinformation	10	2,71

Source: Chapultepec Index

The information flow scored 6.57 out of 11, indicating that although information is circulating, there are barriers to wide and efficient access. This difficulty has been emphasized by changes in the use of the Unified Public Information Website (Portal Unificado de Información Pública), which now requires an electronic identity to access information requests. This new requirement has created a negative impact on transparency as it excludes those who cannot obtain this identity, like foreigners, the underage or people in vulnerable situations, legal entities, thus restricting access to public information for a significant part of the citizenry. Similarly, the system for obtaining statistical information on the use of the website has lowered its standards, making it considerably more difficult to access relevant information to qualify the use of this tool. Although the government deemed the changes implemented as positive, civil society sectors have raised a series of recommendations for improvement.

The score of 5 out of 9 for freedom of expression exhibits that, although Paraguay has mechanisms to allow the exercise of this right, there are still obstacles. Attacks on journalists, judicial restrictions and threats affect the free flow of opinions and the facility of citizens to express themselves without fear of retaliation, may be indicative of this context.

As for disinformation, the score of 2.71 out of 10 indicates that this is a significant problem in Paraguay, and suggests that the country faces challenges both in respect to the desirable circulation of truthful information, and the struggle against fake news. This phenomenon, which pertains the quality of information accessed by citizens, adds to the difficulties to guarantee a well-informed citizenry is free to express itself.

On the other hand, the judicial sphere, although perceived as less restrictive, has not demonstrated desirable progress in the access to justice for those seeking to exercise their right to public information. The number of cases presented to the courts remains slightly stable compared to the previous year (17 versus 16), indicating a stable, albeit low, trend. This could be the result of a lack of confidence in judicial mechanisms or a constant difficulty in accessing justice. It also means the stagnation of transparency in the country, given that, through judicial cases of high public interest, progress has been made in the historical achievements in this area

Likewise, regarding the exercise of the right of access to information and its acceptable implementation by government authorities, some structural problems still remain. Among these are: The administrative unresponsiveness, lack of timely responses, and the presentation of incomplete, inconsistent information or claims that the information is non-existent. This situation emphasizes on the need to improve the efficiency and quality of response to public information requests, as well as to strengthen judicial mechanisms to ensure broader and more effective access to justice for cases of transparency.

Realm Violence and Impunity against Journalists and the Media

The analysis of the realm Violence and Impunity against Journalists and the Media, based on data from the Chapultepec Index, reveals an alarming panorama for the practice of journalism in Paraguay. This realm exhibits a score of 9.97 out of a theoretical maximum of 20. The Legislative Environment, with a score of 3.67 (moderate influence in situations unfavorable to freedom of expression), stands out as the main obstacle for journalists, and overtakes the Executive which scored 2.76 (moderate influence) and the judiciary 1.71 (slight influence). This change is significant since, in previous reports, the Judiciary was pointed out as the greatest challenge for the press. This year, however, actions of violence by legislators, such as physical and verbal attacks against journalists, have been a determining factor in the negative perception of the legislative.

This realm displays the following data:

	Theoretical Maximum	Score
Realm B: Violence and Impunity against Journalists and the Media	40	19,94
Protection	10	3,86
Persecution	14	1,71
Impunity	16	0,86

Source: Chapultepec Index

Paraguay	Legislative Environment	Judicial Environment	Executive Environment
Violence e Impunity against Journalists and the Media	3,67	1,71	2,76

Source: Chapultepec Index

A breakdown of the scores shows the magnitude of the challenges faced by reporters. The protection of journalists reaches a low score of 3.86 out of 10, which shows the insufficiency of effective measures to protect those who practice this profession. This contrasts with the growing hostility and violence they face on a daily basis, especially in contexts of high political tensions.

Persecution, with a score of 1.71 out of 14, exhibits the fact that attacks against journalists are not only frequent, but also often go along by intimidation mechanisms that seek to silence them. The possibility of filing criminal complaints against journalists for alleged violations of honor and reputation is a sign of the structural weakness of a system that favors the persecution of social newsmen. Impunity, which reaches a worrying 0.86 out of 10, is one of the greatest structural problems, and indicates that the vast majority of crimes and aggressions against journalists are neither adequately investigated or punished. This lack of justice fuels a cycle of violence and harassment, as the perpetrators face no consequences for their actions.

Although there have been some specific improvements, like the court ruling that holds an attacker responsible for death threats against a journalist, this situation can be considered exceptional. The low scores in the areas of protection, persecution and impunity displays the lack of structural progress, which underscores the urgency of implementing more solid and effective policies that guarantee the safety of journalists and adequately punish those responsible for violence and threats. In this context, the Board for the Safety of Journalists still lacks full recognition, a solid structure, and an effective budget.

Realm Control over the Media and Journalism

In the Control over the Media and Journalism realm for the 2023-2024 period, Paraguay obtained a score of 22.57 out of 30, which represents a slight increase compared to the previous period (18.86 out of 25).

Paraguay	Legislative Environment	Judicial Environment	Executive Environment
Control over the Media and Journalism	0,81	0,67	1,86

Source: Chapultepec Index

Realm C: Control over the Media and Journalism	30	22,57
Direct Control over the Media	14	11,57
Indirect Control over the Media	6	6
Control over the Exercise of Journalism	10	5

Source: Chapultepec Index

The Executive Environment continues to be the most influential in negative terms, with a score of 1.86, overcoming both the Legislative (0.81) and Judicial (0.67). This indicates that Control over the Media and Journalism is more influenced by the Executive branch, which is manifested by the policies or actions that, directly or indirectly, influence the way the media operate and how journalists perform their duties.

More specifically, direct control over media reached a score of 11.57 out of 14, which indicates that, although high levels of media concentration continue, the situation has improved. This may be related to the proliferation of alternative media and the growing use of social media, which provide citizens with new ways of accessing information and a greater diversity of voices. However, the mainstream media still withholds a large part of media power.

Indirect Control over the Media remains at a low level, with a score of 6 out of 6, it displays less interference through indirect mechanisms, like government advertising or economic pressures that can subordinate the editorial line of the media. This stability could indicate that, although there is some economic dependence, the media keeps a margin of independence in this area.

On the other hand, Control over the Practice of Journalism obtained a score of 5 out of 10, which suggests that, although journalists have some freedom to practice their profession, they meet important limitations; these may be related to political, economic or even judicial pressures which limit the ability of journalists to carry out their work freely and with no coercion.

Finally, although this realm exhibits the highest score in comparison with other areas surveyed in the Chapultepec Index, it is remarkable that Paraguay still registers high levels of media concentration, a situation that has not exhibited substantial changes in recent years.

Conclusions

The conclusions drawn from the analysis of the different realms of the media and journalism in Paraguay reveal deep and structural challenges that require corresponding actions and a stronger institutional commitment to guarantee freedom of expression and the press.

Despite some isolated developments on the protection of journalists, violence against journalists, especially female reporters who are easy targets for attacks, continues to be an upsetting reality. The Legislative Environment has become the main area of hostility against the press, with incidents of physical and verbal violence that displays a lack of political commitment to press freedom. High levels of impunity perpetuate this cycle of violence as it weakens the efforts to create a safe and free environment for journalists. The absence of solid policies and the scarce judicial response on the aggressions show the urgent need to reform protection and sanction mechanisms.

Although the realm of Control over the Media has improved in respect to plurality, presumably thanks to the emergence of alternative media and the use of social media, the country continues to exhibit high levels of media concentration. This indicates that the power structures around mainstream media have not changed significantly affecting information diversity. Moreover, indirect control continues to be a sensitive issue, given the potential of the Executive Branch to influence the editorial lines of the media through economic resources or political pressure.

Despite the fact that the Judicial Environment is perceived as the least aggressive for freedom of expression, compared to the Legislative and Executive Environments, it is still a sector where censorship mechanisms are availed, especially through the use of laws like Law 5777/16. The use of this regulation to silence journalistic investigations raises serious concerns about the manipulation of the law to restrict the work of the press.

New measures requiring electronic identity to request information through the transparency website have substantially limited the exercise of this fundamental right. This represents a setback in the efforts to ensure transparency and accountability in the country. The lack of adequate responses and administrative unresponsiveness demonstrates a continuous pattern. Such situation prevents citizens from fully exercising their right to information.

Taken together, these points exhibit a complex environment where improvements are partial and setbacks still carry considerable impact. Furthermore, political intentions to restrict the work of civil society organizations would affect the right to free association and, consequently, freedom of expression. In order to achieve a substantial improvement in freedom of expression and the press in Paraguay, profound reforms are needed to address both the problems of violence and impunity, as well as the structural barriers to access to information and the practice of journalism. The discussion of a draft law for the protection of journalists is essential in this context.

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Anexo casos judiciales

Año	N° de Expediente	Caratula	Resolución
2023	1656/2023	MIGUEL FRANCISCO DURÉ DÍAZ C/ CORTE SUPREMA DE JUSTICIA S/ AMPARO	- S.D. N° 232 de fecha 01 <u>de setiembre de 2023</u>
2023	218/2023	KATHYA MARIA STEFANIA BAREIRO DUARTE C/ MINISTERIO DE RELACIONES EXTERIORES Y OTRO S/ AMPARO	- S.D. N° 355 de fecha 07 de <u>agosto de 2023</u>
2023	234/2023	BEATRIZ POMPA VDA. DE OCAMPOS Y FERNANDO MORENO F. C/ TRIBUNAL SUPERIOR DE JUSTICIA ELECTORAL (T.S.J.E.)	- S.D. N° 468 de fecha 31 de <u>agosto de 2023</u>
2023	S/N	RUBEN DARIO FRANCO KLEIN EN REPRESENTACIÓN DE JUAN RAMÓN BOGADO CABALLERO C/ DIRECCIÓN GENERAL DE LOS REGISTRROS PÚBLICOS S/ AMPARO	- A.I. N° 1.018 de fecha 23 <u>de noviembre de 2023</u>
2023	S/N	DOCUMENTA S.A. C/ MINISTERIO DE INDUSTRIA Y COMERCIO (M.I.C.) S/ AMPARO	- S.D. N° 275 de fecha 08 de <u>agosto de 2022</u>
2023	S/N	LEONARDO GÓMEZ BERNIGA C/ POLICÍA NACIONAL S/ AMPARO	- S.D. N° 563 de fecha 29 de <u>diciembre de 2023</u>
2023	S/N	JUAN RAMÓN BOGADO CABALLERO C/ SERVICIO NACIONAL DE CATASTRO S/ AMPARO	- S.D. N° 388 de fecha 29 de <u>noviembre de 2023</u>
2023	S/N	LEONARDO GÓMEZ BERNIGA C/ MINISTERIO DEL INTERIOR S/ AMPARO	- A y S N° 05 de fecha 21 de <u>febrero de 2024</u>
2023	S/N	LEONARDO GÓMEZ BERNIGA C/ POLICÍA NACIONAL S/ AMPARO	- A y S N° 02 de fecha 15 de <u>enero de 2024</u>
2022	108/2022	KATTYA GONZÁLEZ Y EDGAR ACOSTA C/ ENTIDAD BINACIONAL ITAIPÚ S/ AMPARO	- OFICIO N° 583 de fecha 16 <u>de octubre de 2023</u>
2022	1128/2023	MARCIAL JOSUE CONGO VILLAMAYOR C/ MUNICIPALIDAD DE ASUNCIÓN S/ AMPARO	- A. I. N° 95 de fecha 04 de <u>agosto de 2022</u>
2024	107/2024	PEDRO BENITEZ ALDANA C/ CAJA DE JUBILACIONES Y PENSIONES DEL PERSONAL MUNICIPAL S/ AMPARO	- S.D. N° 07 de fecha 10 de enero de 2024- A y S N° 03 de fecha 31 de enero de 2024
2024	164/2024	PEDRO BENITEZ ALDANA C/ CONSEJO DE ADMINISTRACIÓN DE LA CAJA DE JUBILACIONES Y PENSIONES DEL PERSONAL MUNICIPAL S/ AMPARO	- S.D. N° 03 de fecha 19 de <u>enero de 2024</u>
2024	S/N	"CARLOS ANTONIO MEYER WACHHOLZ C/ INDUSTRIA NACIONAL DEL CEMENTO (INC) S/ AMPARO"	- S.D. N° 01 de fecha 12 de enero de 2024- S.D. N° 05 de fecha 05 de enero de 2024- S.D. N° 05 de fecha

			05 de enero de 2024
2023	S/N	LEONARDO GÓMEZ BERNIGA C/ MINISTERIO DEL INTERIOR S/ AMPARO	- A y S N° 05 de fecha 21 de febrero de 2024
2023	S/N	LEONARDO GÓMEZ BERNIGA C/ POLICÍA NACIONAL S/ AMPARO	- A y S N° 02 de fecha 15 de enero de 2024

Source: A partir de los datos de <https://www.pj.gov.py/transparencia-documentos>

