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**REPORT TO THE PERMANENT COUNCIL
Electoral Observation Mission
Republic of Paraguay
Municipal Elections – November 15, 2015**

Background

On June 15, 2015, Paraguay's Supreme Tribunal for Electoral Justice (TSJE) sent an invitation to the Organization of American States (OAS) requesting that a mission be deployed to observe the municipal elections to be held on November 15, 2015. Secretary General Luis Almagro accepted the invitation and appointed Ambassador Hugo de Zela, former Chief of Staff of the OAS General Secretariat, as Chief of Mission.

This was the thirteenth mission the OAS has deployed to observe an electoral process in Paraguay. Since the first such mission to the country in 1991, the OAS has observed different types of electoral processes, including general and municipal elections, primaries, and referendums.

In the November 15 municipal elections, mayors and members of municipal councils were elected in the country's 250 districts. Twenty-two political parties participated, along with 74 movements, 30 alliances, and 11 coalitions.

The OAS Mission, made up of 24 observers and experts from 13 OAS member states,^{1/} observed key subject areas, including electoral organization and use of technologies, equity and transparency in access to political financing, and the participation of women in the electoral process.

Pre-Electoral Period

Prior to the elections, the OAS Electoral Observation Mission (OAS/EOM) held meetings with all relevant actors in the electoral process and took note of its impressions and concerns leading up to the November 15 elections.

This electoral process had certain innovative aspects, including the following: the implementation for the first time of Law No. 4743/2012, which regulates political-electoral

1. Argentina, Bolivia, Canada, Chile, Colombia, El Salvador, United States, Guatemala, Mexico, Peru, Dominican Republic, Uruguay, and Venezuela.

financing, and the “Accessible Voting” program, designed to facilitate the exercise of the right to vote by people with disabilities, senior citizens, pregnant women, and women with nursing children.

The political-electoral context prior to the elections was marked by many public accusations concerning government intervention in the election campaign and a lack of equitable conditions among the candidates running for office. In the area of political financing, the Mission received reports and complaints concerning the failure to turn over public funds. In addition, the news media reported some cases in which indigenous candidates were kept from freely exercising their political-electoral rights.

Election Day

On Sunday, November 15, 3,947,574 Paraguayan citizens (48.5 percent women and 51.5 percent men) were called to the polls to elect 250 mayors and 2,640 members of municipal councils by universal, direct, and secret ballot, for which 13,525 polling stations were set up. Mayors are elected by simple majority, and in the case of members of the municipal councils, the D’Hondt method is applied, using a system of complete party lists and proportional representation.

The OAS/EOM deployed coordinators and international observers in the country’s 17 departments and in the capital, Asunción, so it was able to cover the electoral process nationally.

On election day, the observers visited 550 polling stations and were able to establish that, in general terms, voting was carried out in a satisfactory manner, with no public disturbances or incidents of violence that could tarnish the normal electoral process. Voter turnout was 55 percent, higher than in the last municipal elections in 2010, when it was in the 50 percent range.

The content of the informational materials prepared by the TSJE was excellent, both those used for training as well as those designed to inform citizens about the voting process. However, one aspect that arose at all the observed polling stations was that they were set up with few regular members; most of them were made up of substitutes. This led to challenges in setting up the polling stations and a lack of information by the members with respect to their duties, which in turn led to long lines of voters waiting to cast their ballots. Likewise, it was observed that political party representatives played an active role, which at times generated confusion as they took on duties that belonged to the polling station members.

The performance of members of polling stations also showed certain deficiencies in training, which was reflected in confusion about voting procedures, for example regarding the process of marking a voter’s finger with indelible ink. At some polling stations, this was done before the citizen cast his or her ballot, and in other cases it was done after the fact. Observers also took note of a lack of information regarding the “Accessible Voting” program, as a number of people with disabilities arrived at the voting center without knowing that a special polling station had been set up to make it easier for them to vote.

The polling stations closed in an orderly manner, and the counting of the ballots and the completion and submission of the appropriate certification forms was done in accordance with procedures established by law.

From the pre-electoral period through the day of the elections, the OAS/EOM received a total of 17 complaints, which were forwarded to the Supreme Tribunal for Electoral Justice for appropriate handling.

Post-Electoral Period

The results of Paraguay's municipal elections handed a victory to the Asociación Nacional Republicana (ANR, or Partido Colorado) in 50 percent (9 out of 18) of the mayors' offices in the provincial capitals, and 59.04 percent of the country's 147 municipalities. The second national political force with the most representation was the Partido Liberal Radical Auténtico (PLRA, or Partido Liberal), which won in 75 of the country's municipalities, which for all practical purposes results in a bipartisan distribution of political representation across the country.

In the capital and other municipalities, there was an alternation in power, which is recognized as an important characteristic of democratic systems. This in turn reflects a degree of progress and maturity of the Paraguayan political system.

Conclusions and Recommendations

The OAS/EOM draws attention to the professionalism of the Supreme Tribunal for Electoral Justice, the progress made in terms of inclusive voting, and the substantial improvement in the System for Transmitting Preliminary Results (TREP), which functioned without mishap.

With the aim of contributing to the continuous strengthening of the electoral process in Paraguay, the Mission considers it appropriate to suggest to the relevant authorities that they consider the following issues and recommendations:

1. Political Financing

The OAS/EOM believes that Law No. 4743/2012, which regulates political financing, is an important legislative step forward. However, the Mission observed that the political-electoral financing system lacks sufficient tools to ensure transparency in the source and intended use of political party funds, and to verify and sanction the improper use of state resources in election campaigns. Based on the information collected, here are some of the weak points identified in the current law:

1. Lack of clarity concerning which elections are subject to campaign spending limits.
2. The law determines sanctions for national elections and party primary elections, but it makes no specific reference to municipal elections.
3. Categories related to campaign subsidies are not specified.
4. There are inconsistencies regarding the maximum amounts for political parties when it comes to individual allocations or donations.

The OAS/EOM was able to establish that the country's political actors have the willingness to improve the political-electoral financing system. Taking that into account, the Mission extends an invitation for a pluralistic and comprehensive dialogue, one that includes all the voices in the political system and the voices of citizens in order to make the necessary adjustments to existing

legislation or to consider the adoption of a new text that provides greater certainty in terms of how it is applied, primarily on the subject of accountability to citizens and oversight mechanisms.

Likewise, the Mission recommends strengthening the capacities and powers of the Supreme Tribunal for Electoral Justice, through its Advisory Committee on Political Financing, to ensure proper compliance with the law.

2. Participation of Women in the Electoral Process

Paraguay continues to be one of the countries with the lowest rates of political participation by women. Since the last elections, it should be noted, there have been no regulatory advancements to increase women's access to popularly elected posts. In these elections, the Mission observed with concern that 10.3 percent of mayoral candidates were women, and only 10.4 percent of them were elected; for municipal councils, women made up 36.8 percent of candidates, with 20.83 percent of them elected (which represents a 1 percent reduction from the previous election, in 2010, of women elected to these posts).

In order to ensure greater access by women to elected offices, the Mission recommends implementing a gender quota on the list of candidacies to popularly elected posts, including listing candidates in alternate order by gender, and sanctions that prohibit the registration of lists that do not comply with these measures. It is advisable, at a minimum, for this quota to be the percentage laid out in Decree No. 10747/2013, which expands the quota (which thus far exists solely for internal party primaries) to 33 percent, ideally moving toward parity.

The Mission also recommends considering the possibility that a percentage of the public financing given to the parties be allocated for activities designed to promote female leadership and encourage political forces to present more women as candidates.

3. Electoral Organization

In terms of electoral organization, the OAS/EOM notes that the electoral roll was available to the parties and the members of the polling stations, and the election materials arrived on time for the elections. Each voting location even had a spare "kit" for use in a contingency.

The participation of young volunteers in the "Accessible Voting" program warrants special mention as a first opportunity for them to contribute to the country's political life. In this regard, the collaboration of civil society organizations in support of the electoral management body is admirable. One good example of these efforts is the "Inclusive Voting" project, in which the Supreme Tribunal for Electoral Justice and civil society organizations worked in coordination with each other. The presence of groups such as "Avizor Electoral" ("Electoral Alert") was also a positive social initiative that contributed to the successful implementation of the elections.

Based on the information it collected, the OAS/EOM suggests a review of the following issues:

- *Electoral Roll*

The Mission observed that the electoral roll did not include all photographs, or there were cases in which these were not up-to-date, a situation that makes this instrument less reliable and limits its use. To create better security and credibility and to speed up the process of identifying voters on election day, it is recommended that efforts be directed to updating voter information in the electoral roll.

- *Composition of Polling Stations*

The OAS/EOM took note of objections concerning the process to determine the members of polling stations, given that only the three political parties with the most representation in Congress can serve as members. This mechanism keeps political parties with less representation, or no representation, from being able to include their representatives as members of polling stations. This situation results in a form of inequity for the participation of minority parties in the electoral process.

As a way to counteract this problem, the Mission recommends broadening polling station membership to include minority parties, thus ensuring that all political forces can serve as members of polling stations.

Moreover, the absence of regular members who had been trained as members of polling stations led to a lack of full understanding of the duties and responsibilities of polling station members. To address this weakness, the OAS/EOM recommends creating incentives for the regular members of polling stations to be present to perform their duties on election day.

- *Accessible Voting*

The OAS/EOM recommends evaluating the results of the implementation of this program and expanding it to more beneficiaries by eliminating pre-registration as a condition. It is also advisable to verify that the infrastructure of the selected voting places complies with the minimum standards to effectively ensure accessibility for people with disabilities.

- *Civic Education*

The OAS/EOM suggests improving training programs and even putting in place exercises to simulate an election day. The aim is to ensure that everyone who participates in the elections knows what to do in different circumstances. It is also recommended that information be better disseminated among poll workers at the voting places and that they are encouraged to fully understand their responsibilities and duties.

4. Release of Election Surveys and Polls

The Mission observed with concern that election surveys and polls were released outside the time frames permitted by law. On election day, a number of media outlets used subterfuge to release preliminary results, even though this is prohibited under current law.

Taking into account that opinion polls and surveys can be used to influence the will of voters, the OAS/EOM reiterates its previous recommendations on this issue, urging observance of regulations that clearly prohibit these types of practices. The current legislation could be supplemented with a letter of commitment signed voluntarily by media outlets, in which they commit to respect the law.

5. Strengthening of Political Parties

The process of democratic consolidation in Paraguay depends on the strength of its institutions to ensure a pluralistic participation of all sectors of the population. In this sense, the protection of the political party system, pluralism, and greater participation by civil society emerge as the three most important strategic aspects in these municipal elections.

The OAS/EOM believes that the political party system could be strengthened by means of public financing guarantees that provide for a more egalitarian electoral contest. The continuity of political parties as bodies of popular representation should also be guaranteed, consolidating mechanisms for transparency and accountability to citizens. Secondly, the political system should ensure the equitable participation of all political forces and direct its efforts toward an inclusive system, taking into consideration the asymmetries of power, financing, bureaucratic structure, and bipartisanship that predominate in the country. Finally, civil society's participation should be strengthened so that it can become more active and participatory in the decision-making process through monitoring by citizens.

Acknowledgements

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