

November 5, 2024

Members of the Steering Committee
Open Government Partnership

Dear colleagues,

I am writing to inform you of concerns raised by several Paraguayan Civil Society Organizations (CSOs) regarding the recent passage of legislation “Establishing Control, Transparency, and Accountability of Non-Profit Organizations Act”. This bill contains broad and ambiguous language that increases control over CSOs, potentially leading to arbitrary restrictions, and that would hinder fundamental rights of organizations and individuals in Paraguay. In view of the violations of OGP core values and principles that this legislation represents, and in line with the protocols established by the OGP Steering Committee, I am formally requesting the activation of the Rapid Response Protocol.

Paraguay has been a prominent member of the OGP since 2011. The national government, together with citizens and civil society, has developed five OGP action plans, and driven substantial reforms in areas such as access to information, citizen participation, and anti-corruption. A significant milestone has been the establishment of the Open Government Joint Roundtable (“Mesa Conjunta de Gobierno Abierto”) and its Executive Committee (“Comité Ejecutivo de Gobierno Abierto”), a collaborative space that has guided the national OGP process since 2016 ([Decree No. 5894/2016](#)) and convenes government reformers from different branches and CSOs.

However, on November 4, 2024, I received a letter from 19 Paraguayan CSOs—including members of the Executive Committee on Open Government—expressing concerns about this new legislation which mandates that non-governmental organizations (NGOs) receiving or managing public or private national funds, international private funds, and/or public funds directly from other States, must register in a National Registry, maintain detailed records of fund use, and submit regular reports to the Ministry of Economy and Finance. Unregistered NGOs would be barred from receiving public funds or entering agreements with public entities, and failure to comply would lead to financial penalties and disqualification of staff from civil society work.

Although the bill states that it will respect the full autonomy of CSOs and that duties related to control, registration, transparency, and accountability will not impede CSO activities, it nonetheless places excessive registration and reporting obligations on these organizations. Such requirements could open the door to arbitrary restrictions, ultimately threatening the independence of CSOs and their ability to operate freely. The letter sent to me by Paraguayan CSOs calls on OGP to address these serious violations, which undermine the values and principles of the Partnership, and for the activation of all possible response mechanisms (see annex).

In addition to their engagement in the national OGP process, several of these organizations have also participated in regional and global exchanges on open government, including regional meetings and global summits, where they have shared good practices and key learnings in thematic areas like anti-corruption, open data, open parliament, among others. As an OGP Civil Society Steering Committee (CS SC) member and former Co-Chair (2022-2023), I have engaged with Paraguayan government and civil society stakeholders. Below is a summary of developments regarding this legislation:

On July 8, the Senate approved the bill that establishes “control, transparency, and accountability for non-profit organizations”. By that time, the bill had not been open to public consultations or engagement with CSOs—the primary parties affected. This exclusion led CSOs to issue public statements and complaints, arguing that the bill contradicted international human rights standards that Paraguay has committed to, especially regarding the rights to freedom of association, expression, privacy, participation, and defense of human rights. CSOs also noted that the approved text was imprecise and unclear about its scope and implementation. For instance, it made no distinction between organizations receiving public versus private funds, instead subjecting all to the same registration, state control requirements, and excessive sanctions for both legal entities and the individuals managing them. CSOs reiterated these concerns and the lack of prior consultation in a discussion with legislators on July 15.

On August 14, I requested a meeting with the Ministry of Economy and Finance to discuss Paraguay’s engagement in OGP but received no response. On August 16, I spoke with several Paraguayan CSOs who expressed concerns about the risks posed by the proposed legislation.

On October 1st, the Chamber of Deputies amended and approved the bill, followed by Senate approval on October 9. While some sanctions were reduced, the bill still raises serious questions and concerns. It still has not undergone adequate and timely consultation with CSOs. The bill's lack of specificity in its provisions, along with excessive registration and reporting obligations that exceed the current legal framework, could lead to arbitrary restrictions that ultimately threaten the independence of CSOs and their capacity to operate freely. By intensifying oversight of CSOs, this bill can seriously threaten the enabling environment for them to carry out their mission, undermining protections for freedom of expression and association.

Following Senate approval, the President must decide to enact or veto the bill. On October 10, Paraguayan CSOs held a [press conference](#) and sent a [letter to President Peña](#) urging him to veto it and convene a working group with CSOs to draft a new bill. On October 19, nine of the OGP Civil Society Steering Committee members also published a [statement](#) urging protection of civic space in Latin America, highlighting this situation.

Numerous other international bodies and organizations have also expressed their concerns regarding the proposed legislation:

- Gina Romero, UN Special Rapporteur on freedom of peaceful assembly and of association, [warned](#) that the law's high penalties violate international standards, while a spokesperson for the UN Human Rights Office [stated](#) that "We regret the recent and expedited approval by the Paraguayan Senate of a draft bill imposing substantial restrictions on the financing of non-profit organizations, as well as additional registration requirements and disproportionate compliance penalties".
- The [Inter-American Commission on Human Rights' Special Rapporteur on Freedom of Expression](#) [warned](#) that the law could restrict non-profit operations in Paraguay and urged the executive to consider Inter-American human rights standards when deciding on its approval or veto.
- [CIVICUS Monitor](#) [stated](#) that the draft law's provisions conflict with international human rights obligations, particularly regarding freedoms of association and expression and the right to public participation. The law's broad and vague language creates significant ambiguity, allowing for restrictive interpretations that could compromise these fundamental freedoms.
- [Amnesty International](#) [highlighted](#) that the draft law enforces broad registration and compliance requirements on all civil society organizations, potentially compromising their independence, privacy, and security. The vague penalties for non-compliance could undermine legality and threaten freedoms of association and expression, endangering the rights it seeks to regulate.
- The [New York Bar Association](#) [warned](#) that the law would threaten the fundamental rights of organizations and individuals in Paraguay, including human rights advocates.

As stated in the [Open Government Declaration](#), OGP members commit to protecting civil society organizations' ability to operate freely and to fostering government-civil society collaboration. This legislation runs counter to these principles and the commitments made by OGP member governments upon joining the Partnership. As members of the OGP Steering Committee, we have a responsibility to uphold these values and address civil society's concerns when member countries introduce legislation that may significantly restrict the space for CSOs to operate independently.

Sincerely,

Anabel Cruz, Founder and Director; Instituto de Comunicación y Desarrollo (ICD) Uruguay
OGP Steering Committee member



Asunción, 04 de noviembre de 2024

Estimadas

Natalia Carfi y Anabel Cruz

Integrantes de sociedad civil en el Comité Directivo

Alianza para el Gobierno Abierto - AGA

Nos dirigimos a ustedes en calidad de **organizaciones de sociedad civil** que trabajan bajo los principios y valores del **Open Government Partnership - OGP** y que han participado en los procesos de **Gobierno Abierto de Paraguay** ante la **Alianza para el Gobierno Abierto - AGA**.

El motivo de nuestro contacto es expresarles nuestra preocupación ante la probable entrada en vigencia de la ley "**Que establece el control, la transparencia y la rendición de cuentas de las organizaciones sin fines de lucro**", que ya fue sancionada por el Poder Legislativo el 09 de octubre de 2024 y **está a la espera de la decisión de promulgación o veto**¹ del actual representante del Poder Ejecutivo, Santiago Peña.

En tal sentido, solicitamos a la **AGA la activación de todos los posibles mecanismos de respuesta** ante la situación que estamos atravesando, debido a que la ley pone en riesgo los principios y valores de OGP que Paraguay suscribe como integrante de la **AGA** desde el 2011.

Firmantes:

- Civilab
- Semillas para la Democracia
- Fundación Cooperadora para la Nutrición Infantil - CONIN Paraguay
- Centro de Estudio Ambientales y Sociales - CEAMSO

¹ **Constitución de la República del Paraguay (1992). Artículo 213: De publicación.** *La ley no obliga sino en virtud de su promulgación y su publicación.* Si el Poder Ejecutivo no cumpliera el deber de hacer publicar las leyes en los términos y en las condiciones que esta Constitución establece, el Presidente del congreso o, en su defecto, el Presidente de la Cámara de Diputados, dispondrá su publicación.

Constitución de la República del Paraguay (1992). Artículo 238. De los deberes y de las atribuciones del Presidente de la República. Son deberes y atribuciones de quien ejerce la presidencia de la República:

1. representar al Estado y dirigir la administración general del país;
2. cumplir y hacer cumplir esta Constitución y las leyes;
3. *participar en la formación de las leyes, de conformidad con esta Constitución, promulgarlas y hacerlas publicar, reglamentarlas y controlar su cumplimiento;*
4. **vetar, total o parcialmente, las leyes sancionadas por el Congreso, formulando las observaciones u objeciones que estime convenientes (...)**



- Centro de Información y Recursos para el Desarrollo - Fundación CIRD
- Federación de Entidades Vecinalistas del Paraguay - FEDEM Py
- Sindicato de Periodistas del Paraguay - SPP
- Organización Alma Cívica
- Hábitat para la Humanidad
- Asociación Conciencia Viva
- Comunidad y Desarrollo Sustentable - CODES
- ENLACE - Centro de Desarrollo Humano
- Red de ONGs que trabajan en VIH/sida en Paraguay
- Centro de Documentación y Estudios - CDE
- Sociedad de Estudios Rurales y Cultura Popular - SER
- Global Infancia
- Enfoque Territorial
- Asociación Grupo Luna Nueva
- Asociación de Investigadores Científicos del Paraguay - ADICIP