

Peru: Freedom of expression is breaking through

Executive Summary

The results for the period under study show a slight improvement in freedom of expression and the press. The initial months reviewed were marked by a high political instability. This, along with the pandemic, presented difficulties for a correct flow of information. The final months of the period coincided with a presidential election campaign in progress, which posed challenges for news coverage. While freedom of expression shows very low levels of restriction, the structural issues threatening it remain in the country.

Introduction

The period under study for this report continued with the characteristics of instability detailed last year, which generates difficulties for the exercise of journalism and to achieve higher levels of freedom of expression. During the second semester of 2020, the political crisis worsened, in addition to the healthcare and economic crisis caused by the COVID-19 pandemic. This brought about great social instability.

In that semester, the confrontation between the Executive and Legislative ended with Vizcarra leaving the presidential office in November and President of Congress Manuel Merino taking over. This was viewed by a large section of the population as a covert coup d'état. Protests erupted in different cities of the country. They were harshly repressed, but resulted in the resignation of Merino after six days in office.

The priorities of President Sagasti's interim government were to reestablish some stability, procure COVID-19 vaccines, start a mass vaccination rollout, and organize the 2021 presidential and legislative elections, while dodging new threats stemming from his vacated congressional office. Elections were held in April and the run-off vote for president in June, in a highly polarized contest that caused further instability.

In this context, the work of the press was conducted always amidst frictions with the different branches of government; but it also played a loosely defined role regarding the country's powers that be. Despite all this, the perception obtained in this study with respect to freedom of expression and the press places Peru in a status of low restriction, analogous to that obtained in the previous period.

Although journalists had tough times doing their job – primarily on the days of the brief Merino government and during the campaign for the second round of elections – in general there were few institutional attempts to restrict its exercise. These difficulties came mostly from more personal actions and, in some cases, from the news companies themselves.

Results analysis on institutional environments: Slight influence in an ongoing crisis stage

During the period under study, the feeling among those who participated in the study is that the situation with respect to freedom of expression and the press in Peru has improved. Although, both last year and in the current year, a slight influence of the Legislative, Judicial and Executive environments is noticed, the current indicators show a considerable improvement regarding last year.

While Peru has fallen back to the seventh position among countries surveyed, the result of 69.85 points out of a possible 100 is a slight improvement compared to the 67.8 last year. There is a feeling of mild influence and low restriction in all environments and almost all realms, while in the previous period there were several areas showing a moderate negative influence.

The Legislative environment shows an extent of influence at 1.11 points, which responds to the different realities of the relationship between the press and the members of the Congress of the Republic. Unlike last year, there were no attempts to introduce draft bills or regulations that would curb freedom of expression and the press, which produces a perception of mild influence.

During the pandemic, and in the period surveyed, the greatest difficulties between the press and the Legislature stemmed from certain restrictions on access to information. However, in general, the degree of influence was lesser than in the previous period. Even a certain section of the press was part of a campaign to broadcast news and alleged evidence that allowed the Legislative to impeach President Vizcarra in November 2020 (Cuarto Poder, 2020; Mella, 2020).

The degree of influence of the Judicial environment is the lowest in Peru's case, with an index of 1.07 points, which is also a significant progress against last year. This result is striking because one of the most common problems for the exercise of freedom of the press is the frequent threat of legal action against journalists, as well as the defamation lawsuits brought against them and admitted by several courts. Undoubtedly, this becomes a way of deterring the job of news professionals.

In its report for 2020, the Office of the Human Rights of Journalists (Oficina de los Derechos Humanos del Periodista, OFIP) of the National Association of Journalists of Peru (Asociación Nacional de Periodistas del Perú, ANP) reported that 29 instances of judicial intimidation had gone on record that year, not counting those filed in previous years, which continue to threaten news professionals (OFIP, 2020). In the report for the first three months of 2021, the same office totaled eight new court actions (OFIP, 2021b).

While the above does not necessarily result in penalties for members of the press, it does mean devoting resources and a lot of time to legal proceedings. The stress caused by this is added to the challenging emotional state caused by the health and economic crisis that the country is experiencing, which undermines journalists' work. It is important to point out that this reality is more frequent in regions outside the capital, where institutional support for the press is weaker.

The Executive is the one that shows the highest degree of influence of the three environments, at 1.27 points. Although this keeps it at a slight level of influence, it is noteworthy that, in the previous period, it was the environment with the least unfavorable influence. Our review of this Executive environment means considering three different moments in the period under analysis: First, the final months of President Vizcarra during the peak of the first wave of

COVID-19; secondly, Manuel Merino's brief term in the presidential office; thirdly, that of President Sagasti's transitional government.

President Vizcarra's last months in office were marked by a mounting tension in his relationship with the media. During the early stages of the pandemic, when press conferences were constantly called, this relationship began to change when the measures did not yield the expected results. Subsequently, press access to his addresses and activities was increasingly restricted. The few days that Manuel Merino held the presidential office were known by constant protests and severe police repression. In those six days, 28 attacks on members of the press were reported (OFIP, 2020).

The final months of the period surveyed encompassed the beginning of the vaccination rollout and the campaigns for presidential and congressional elections, during which the Executive maintained independence and guaranteed freedom of expression, to such an extent that it did not even step in when certain sections of the press disseminated fake or distorted news, both regarding COVID-19 vaccines and the electoral process.

Realm A: Free expression in mainstream and alternative media

One of the best indicators for the study period is in the realm assessing the extent to which informed citizens are free to express themselves, at 18.71 points out of a possible 23. This is a slight improvement compared to the good level also observed in the previous period. The level of influence of the environments regarding this realm is one of the lowest.

The sub-realm of Free Speech shows significant progress regarding the previous period, achieving 11.14 points out of a possible 12. Citizens, as well as people devoted to independent journalism, have enjoyed freedoms, with brief moments of restrictions mentioned above. It is worth noting the growth of social media and alternative websites as sources of information for the citizens, especially for those most socially and politically active.

The sub-realm of Information Flow, although it still shows a result at adequate levels, is the only one that regresses with respect to the previous period. This is not only due to certain restrictions on access to information encouraged by the government, but also to the position of a significant section of the media in the final months of the period surveyed. Journalists who did not agree with the requirements of the newspaper companies where they worked were dismissed, which led to a complaint before the Peruvian Press Council's (Consejo de la Prensa Peruana) Ethics Court (Tribunal de Ética, 2021).

Realm B: Exercise of journalism under foreign and domestic influence

The Exercise of Journalism has achieved a slightly lower score than in the previous period. Although the levels of influence are slight, this realm is, as last year, the one obtaining the least favorable numbers. The levels of influence are at the upper bracket; even the Executive environment is deemed to have a moderate level of influence.

We cannot fail to associate this realm with what was commented in the previous sub-realm, where the exercise of journalism has had to deal not only with health restrictions, the

dangers inherent to work in time of pandemic, political instability, and repression. These factors put news professional's work at risk, amidst restrictions within from media outlets themselves.

In a country with a large concentration of media in the hands of one company, some layoffs and forced resignations of producers, directors, and journalists were notorious, in what was seen as an attack on the right to information (Redacción ANP, 2021). However, the indicators do not reflect this problem, marking rather a negative influence from the Executive environment.

It is also noteworthy that the score with the least influence is the Judicial environment. This is a branch of government where news workers are often posed obstacles to practice journalism, or that is used to hinder or threaten certain investigations, as we will see in the next realm.

Realm C: Times of violence and impunity

The realm of Violence and Impunity against free speech in Peru obtains the lowest results of all the realms, with 21.57 points out of a possible 42, placing the country in the 11th position for this category. Although against the previous period, this score represents an improvement, it cannot be denied that the current period has been one of increased violence against the exercise of journalism and freedom of expression.

We have mentioned above the enormous number of aggressions experienced by staff who were reporting the November protests. We must also underscore the violence against the press from various places during the electoral process, including supporters of several presidential candidates (DW, 2021; IPYS, 2021b, 2021a; Panorama, 2021). A report by the ANP totaled 19 physical and verbal aggressions and 22 threatening or harassing actions during the campaign (OFIP, 2021a).

Although the figures yielded during this review indicate only a slight influence of the environments, it cannot be overlooked that, from the Executive and especially from the Judicial environment, conditions are set so that there is a certain impunity for actions against freedom of expression. This year, the use of lawsuits has continued as a method to stop whistleblowing and the work of journalists (IPYS, 2021c; Nalvarte, 2020), while the government shows little interest in protecting them (Nalvarte, 2021).

Realm D: Control comes from within

The results for the realm of Control over the Media are the most favorable of the study for Peru. With 22.14 points out of a possible 25, Peru is in a state of full freedom of expression, holding the fifth place among the countries analyzed. The Executive environment is the most influential, but at very low levels.

Despite certain difficulties in access to information, and repression during some stages of the period under study, the media have achieved a great deal of independence regarding their publications. The political situation has led them to take positions openly – something that, albeit visible in local and regional media, now was more clearly noticed in press with nationwide circulation or broadcast media based in Lima. It has been notorious that when information has

been biased or questionable, the media have chosen not to be accountable or comply with resolutions, but cry wolf for persecution (América Televisión, 2021; Willax, 2021).

In any case, what we notice is that the control over the media on what they publish comes from their own inner workings, with journalists who must align themselves with the stance of management, or they are relieved of their position. The most notable case happened in one of the most prestigious TV news shows, which changed its hosts five times in the last six months, and whose main journalists stopped working there during the presidential campaign (Mella & Prado, 2021).

Conclusions

The state of freedom of expression and the press in Peru continues to be very favorable, despite critical situations that have been experienced due to the health crisis, the political crisis, and that stemming from the elections. Although it is necessary to strive for improvement, there are no conspicuous actions from the national government to undermine the information flow and access to data. The situation is somewhat more difficult in the more remote regions; but in general, when information has been requested – by the media or by citizens – and the right to access it has been claimed, in most cases the objective has been achieved, although with some delay.

The pandemic-triggered contingency of generalized lockdown encouraged the growth of alternative media, websites, newscasts available on Internet, and the emergence of podcasts and groups accessing and disseminating information. This generates information flows outside the mainstream media. This has allowed citizens to get news, but also to find ways of expressing their own thoughts. In view of these developments, the Government has not made any attempt to limit these sources and activities through regulations or specifically targeted actions.

The nation's institutional fabric allows the exercise of the freedom of the press without many restrictions; but, at the same time, it grants few guarantees and protection to those who dedicate themselves to this duty. The slow and corrupt judicial system can be used to curb the work of the press, laws provide little protection for journalists, and source confidentiality will depend on the legal counsel that a news company can retain when required to reveal them.

In certain regions, the forces and groups of power meant to protect free speech often turn out to be the ones who have committed outrageous acts, especially when investigations have exposed corruption or abuse by the authorities. However, we must point out that all this, as well as the requirements to reveal sources of information have decreased compared to the previous period under study.

There have been some interventions on and closures of media outlets, mainly in regions outside the capital, as part of lawsuits brought against journalists and / or owners of those media. This is the most common method used by certain branches of government to undermine possible allegations of corruption or abuse of power. Even so, these actions are regarded more as individual and personal maneuvers, rather than as a systematic pattern of the government structure.

The great threat to freedom of expression, and above all to access to adequate information, has come from the powers that be, from the media conglomerates and from conservative circles. The dissemination of information mixed with fake or distorted news has increased not only in social

media and online outlets, but has also been present in the mainstream media, leaving citizens in a situation that could lead them to disinformation, or to disbelief in fact-based information.

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