

## Chapultepec Index Conclusions

This third edition of the Chapultepec Index of Freedom of Expression and the Press, as an instrument for measuring institutional action upon the area of freedom of expression and the press, offers a panoramic image of the situation in 22 countries of the American continent with respect to the exercise of these rights. The editions of the Index allow, as a whole, to appreciate the evolution of communication policies, laws and the judicial behavior associated with information rights and press guarantees as foundations to any democratic system.

This edition covers the period between August 2, 2021 and August 1, 2022, and as in previous editions, it evaluates the elements that intervened over the freedom of the press, which are assembled in four realms: Citizens Free to Express Themselves, the Exercise of Journalism, Violence and Impunity, and Control over the Media, which also adds the influence of the institutional environments (Executive, Legislative and Judicial) in situations unfavorable to freedom of expression and the press.

Based on the perception of experts - as defined in the Methodology - and the interpretation of correspondents in each country, the results obtained reflects the situation in the region, which in many cases was affected by electoral processes, social, economic and political conflicts, among others.

The overall average, based on the results, was 53.69 points (out of the established top of 100). This shows a decrease of 1.92 points compared to the results of the second edition that was 55.61 points. Therefore, there is evidence of slight worsening in the hemispheric scene regarding freedom of expression and the press.

According to the output resulting from the analysis of the first realm, *Citizens Free to Express Themselves*, the overall average was recorded at 11.79, out of a maximum of 23 points, which places it within the partial restriction range. In this realm, only Uruguay and Canada achieved *Full Freedom of Expression*, with 21.57 and 20 points, respectively. They are followed by Jamaica, the United States, Chile, the Dominican Republic, Costa Rica, Argentina and Paraguay with low restriction. The countries that recorded partial restriction in this realm were Colombia, Ecuador, Peru, Panama, Honduras and Mexico, while Guatemala, Brazil, Bolivia and El Salvador were in the highly restricted range and, last of all, Nicaragua, Venezuela and Cuba under the *with no freedom of expression*.

The *Exercise of Journalism* realm scored 6.15 out of 10 points. In the first realm there was a slight decrease in relation to the previous edition (12.05 for Citizens Free to Express Themselves) but it remained almost the same as in the previous period (6.03 for the Exercise of Journalism). In this realm, four countries managed to rank within the range of *full freedom of expression*: Jamaica, Uruguay, Dominican Republic and Canada. In the opposite range, *with no freedom of expression*, we find Venezuela and Cuba, both with 1.14 points.

With regards to the third realm under study known as *Violence and Impunity*, the results worsened in relation to the previous period (20.44), as it obtained an overall average of 17.99 out of a maximum of 42 possible points for the third edition of the Index, which translates into 2.45 points lower between the previous and the current period surveyed. In this category, none of the 22 nations achieved full freedom. Despite the institutional efforts and the will to maintain an atmosphere of freedom of expression in the top-rated nations, these were not entirely free of attacks against journalists and the media. El Salvador, Peru, Bolivia, Ecuador, Brazil, Cuba and Venezuela stand out with a high restriction. At the bottom of the table, *with no freedom of expression*, are Mexico (7.71), Guatemala (7.12) and Nicaragua (1.36) with the lowest scores.

With regards to the last realm *Control over the Media*, the overall average obtained was 17.75 points out of 25, practically unaffected from the previous measurement (17.09). Cuba stands out with 2.86 points, Nicaragua with 2.43, and Venezuela, with a score of 0 points; all three classified in the category *with no freedom of expression*.

According to the results of the measurements based on the perception of the experts, two countries stood out among the others: Canada (80.42) and Jamaica (80.40), which classified into the *full freedom of expression* range, thus displacing those that were in those positions in the previous edition, namely Uruguay (84.10) and Chile (82.06). They are followed, in the category of *low restriction*, and in the subsequent order: Uruguay, Dominican Republic, Costa Rica, Chile, United States, Paraguay and Panama, the latter two with almost the same score.

In the *partial restriction* range, still above the global average, are Colombia, Peru and Argentina. Below the average Global Index, also in the *partial restriction* range, are Honduras, Ecuador, Brazil, Bolivia, Mexico and El Salvador, whereas in the *highly restricted* category is Guatemala. In the area of countries *with no freedom of expression* are Cuba, Venezuela and Nicaragua.

In the case of **Canada** (80.42), the pandemic and demonstrations movements against the federal government introduced attacks and intimidation against journalists, according to reports by the Canadian Association of Journalists. However, this reality is far from the violence exercised against journalists and media outlets in countries like El Salvador, Mexico, Nicaragua, Venezuela and Cuba. Despite its position at the top of the list, it is still worth paying attention to the likelihood (in the short and medium term) of passing of a couple of bills (C-10 and C-11) aimed at promoting Canadian content and the support for independent media, which could have an impact over big digital platforms and on the deontological orientations of journalism.

Regarding the influence of public branches, all environments remained within the range of *mild influence*, in all realms.

**Jamaica**, with 80.40 points in the global ranking, the country attains 2<sup>nd</sup> place in the indicator. Government officials criticize the media, but have not implemented measures to interfere their operation. During the study period, the restrictions imposed by the government in 2020 due to the COVID-19 pandemic were reportedly lifted, allowing journalists greater freedom of movement. None of the public branches exerted a major influence to generate situations against the Freedom of Expression.

Based on the results, the following countries show *low restrictions to the freedom of expression and the press*: Uruguay, Dominican Republic, Costa Rica, Chile, United States, Paraguay and Panama. The second group in terms of number of countries: 7 out of 22 countries included in the study.

In the case of **Uruguay** (78.90 points), some attacks and threats against journalist were registered during the period surveyed causing the nation to drop two places. With a decrease by 5.2 points in relation to the previous measurement (84.10), Uruguay moved from the range of countries *with freedom of expression* to that of *low restriction*. However, it leads the list with respect to the realm *Citizens Free to Express Themselves*. Although no serious incidents such as murders, kidnappings, or forced disappearances of journalists during the exercise of their work have been recorded in Uruguay, according to local reports, there has been an increase in the cases of threats or restrictions to the freedom of expression. Also, during the last months of the surveyed period, there were some legal proceedings for alleged defamation against journalists. These events influenced the decision of the experts consulted. Freedom of expression and the press are guaranteed by law and there is a favorable climate for the exercise of this right with particular partial restrictions associated – according to the experts - with the slight influence of the Legislative environment.

**Dominican Republic** attained the 4th position of the 2021-2022 ranking with 78.3 points, and kept the same position it held in the previous edition. The country's climate of freedom of expression experienced several assaults. It stands out, the attacks directed against reporters from some media outlets and the ombudsman during a day of inspection of a vehicle retention center. Also the attempt - which was aborted - to pass a law that would put a gag on the freedom of expression. Despite all this, it could be said that media sovereignty has been consolidated in the country and its migration to digital platforms have become spaces of moral solvency and public faith which contributes to democracy by means of offering greater transparency.

With 73.83 points, **Costa Rica** fills the 5th place, one ahead from that of the previous edition. The legal framework still protects the essential freedoms. During the period under study, general elections were held. This led to an increase in the attacks against the media and journalists. However, thanks to the democratic stability and the separation of powers in the country, the institutions comply with the established legal framework and promote respect for the freedom of the press, which is evidenced by its position in first place in the *Control over the*

*Media* realm where it scored 24.14 points (out of 25). The greatest influence, in all the realms analyzed, is the exerted by the Executive branch, although this is still moderate.

**Chile** follows next in the Index with 73.65 points. For this edition, the nation fell four positions in relation to the previous period, moving from the range of *full freedom of expression* to that of *low restriction*. The death of a journalist who was shot while covering the acts of violence during the Workers' Day demonstrations in the city of Santiago, and the relevant political milestones, such as the change of administration and the work of the Constitutional Convention to propose a new Political Constitution, together with the migration crisis, which serves as a breeding ground for fake news campaigns, had a substantial influence during this period. The country's result with respect to the evaluation of *Control over the Media* realm stands out by reaching second place with 23.86 points out of a maximum of 25; there is also the fact that none of the public branches exercised significant influence in situations unfavorable to freedom of expression.

The 7th position is for the **United States**, with 67.26 points out of 100, moving up three places from the 10th place it held in the last edition (with 61.67 points). Historically, there have been few restrictions on freedom of expression and the press in this country. This does not prevent it from going through stages in which there have been pressures and even attacks against the media and journalists. Examples of violence or intimidation against journalists and the exercise of freedom of the press include the temporary detentions of journalists, photographers and cameramen covering the demonstrations against the Supreme Court's decision to eliminate the constitutional right to abortion. This took place in cities like Los Angeles, California; Portland, Oregon; and Phoenix, Arizona. Although the three environments analyzed, Executive, Legislative and Judicial, had a slight influence on freedom of expression and the press, the one that had the greatest unfavorable influence on freedom of expression was the Executive environment. In fact, there were incidents in which State Governors restricted access to events to journalists who criticize their administration. During the period surveyed, at least 33 incidents were recognized in which journalists or media outlets were ordered to reveal their sources of information or the material collected during the exercise of their work. In spite of this, in general, the country scored well with respect to *Control over the Media* by reaching third place with 23.83 points out of a maximum of 25.

**Paraguay** attained the 8th position among the 22 countries studied by the Chapultepec Index, with 66.25 out of 100. The legal system continues to be used as an instrument for prosecuting investigative journalists. The Attorney General's Office issued a prosecutorial instructional intended to outline certain guidelines for criminal investigation in cases of attacks against journalists and media workers. Investigative journalists continue to encounter serious obstacles and difficulties to access highly relevant public information. Yet, in general, the climate for freedom of expression in Paraguay continues to be moderately favorable due to the existence of an adequate regulatory framework to promote and demand for public information, and the presence of alternative media that foster plurality and independence. The best evaluated realm for this country was the Exercise of Journalism which fills the 5th place. The Judiciary was the environment in which there was evidence of a *moderate unfavorable influence* on freedom of expression in 3 of the 4 realms analyzed (except for *Control over the Media*).

The last country in this group is the Republic of **Panama**. With 65.15 points out of a possible 100, the country keeps the 9th position among the 22 countries measured for the Chapultepec Index of Freedom of Expression and the Press. In general, it can be seen that freedom of expression and the press are respected, but there are serious restrictions resulting from a legal framework that is not in line with the guarantees safeguarded by the Inter-American Human Rights System. As for the *Exercise of Journalism*, out of 10 possible points for this realm, the nation received 6.30 points, the lowest result among the four realms analyzed, adding to the fact that Panama is the one that registers the greatest influence in all the environments with a *strong* influence in the Executive and the Legislative, with 7 and 6.57 points, respectively; and *moderate* influence in the Judicial environment with 4.14 points, all for an established top of 10 points. It should be noted that Panama's Criminal Code provides for crimes against honor that when used by agents linked to power, represents an excessive pressure against the media and journalists.

Hereunder are the countries holding results that put them in the *partially restricted freedom of expression and the press* range: Colombia, Peru, Argentina, Honduras, Ecuador, Brazil, Bolivia, Mexico and El Salvador, being the group with the highest number of countries: 9 out of 22.

**Colombia** tops this list with 59.34 points, 5.66 above the global average, escalating two positions in relation to the last edition when it ranked 12th with 57.23 points. During the study period, attacks against journalists increased, as well as impunity in processes in which journalists have been the victims like the proceedings for threats, the detentions and illegal surveillance of journalists which continue with no exemplary verdicts against the intellectual and material authors of these crimes. There are at least 300 violations of freedom of the press, coming from all levels and sectors. The presidential candidates and the current President of the Republic, made public accusations against media and journalist, which raises doubts about the guarantees of the constitutional exercise of freedom of expression and the press, but also – and more importantly - about his intention to contribute to the respect for differences in a clearly polarized country. In fact, it was precisely in the Executive environment - in the sub-realm of Exercise of Journalism – in which the greatest influence was recorded with an output of *strong* influence.

In the case of **Peru**, which dropped from 7th to 11th place with 55.14 points, 1.45 above the Global Average, there is a detriment with respect to the influence of the institutional environments, especially the Legislative and the Executive ones in relation to freedom of expression and the press, amid a situation that includes a prison sentence upon a journalist on defamation offense for writing an unauthorized biography of a politician and businessman. Additionally, there were also cases of obstruction and prohibition of press during official events. Peru went from *low restriction* to *partial restriction*. In spite of this, the exercise of freedom of the press prevails thanks to the institutional structure in the country. However, there is a weak protection framework and the Judicial branch may be used to deter the labor of the press and the laws provide little protection to journalists. In terms of the *Violence and Impunity* realm, Peru is in the *highly restrictive* range.

**Argentina** (55.14) varied slightly in relation to the previous year, but there were no clear improvements. Although the country rose from 14th to 12th place and ranked 1.45 places above the Global Average, it still raises concerns for the number of reported cases of violence against journalists, and two serious attacks against the media. It seems that the strategy against journalism consists of intimidating, accusing and discrediting as the efforts to control the media. With an improvement of more than two points with respect to the previous period, it is observed that there are no major institutional restrictions in Argentina for the exercise of freedom of expression. In this sub-realm, Argentina obtains a score close to the maximum established (10 out of 12). The restrictions on mobility and access to particular areas that had been imposed by the pandemic have already been removed.

**Honduras** fills the 13th position, with 53.07 points, already below the Global Average after falling two places in this measurement's edition. Although there is currently freedom of expression, censorship methods, like the use of government advertising, are applied to restrict this constitutional right and exert some form of control. Official media do not include plurality and sticks to the official line. The working conditions of journalists continue to be precarious, and due to the pandemic and the passage of hurricanes Eta and Iota, many jobs were lost which resulted in unemployment rate increase. Despite government control, threats and extortion, social media have grown to a great extent in Honduras that citizens report information that affects the government. The abolition of the Law for the Classification of Public Documents Related to National Security and Defense, commonly known as "The Secrecy Law", allows that all reserved information will be declassified and that autonomous centralized and decentralized government institutions must submit documents to the Institute of Access to Public Information (Instituto de Acceso a la Información Pública, IAIP). The realms in which the country received the highest scores were *Citizens Free to Express Themselves* and *Violence and Impunity*, both attaining the *partially restricted* range.

Reaching 49.55 points, **Ecuador** ranks 14<sup>th</sup> place in the Chapultepec Index of Freedom of Expression and the Press. The country regressed in all environments and in most of the realms. The legislative branch exerts a *moderate* influence in three of the four realms. The *Violence and Impunity* realm and the *Exercise of Journalism* were the most affected due to - on the one hand - the demonstrations, especially the one called by the indigenous movement which were particularly violent against journalists and the media and resulted in some members of the press hiding their media I.D. credentials on fears of being attacked. The event resulted in one of the worst attacks against the press: self-censorship; and - on the other side - a highly polarized society that harasses dissident opinions. Almost at the end of the surveyed period, the murder of a journalist occurred. This could influence the *Exercise of Journalism* realm for the next index.

**Brazil**, currently in the 15th position, went from 19th place in 2020-2021 - when it scored 31.6 - to 15th place in this report, with 44.26. Therefore, the country moved from *high restriction* to *partial restriction* range in the measurement, but it still remains among the worst rated countries. There is no real reduction in the assaults and attacks against journalists and the media. During the period studied, there was an important mobilization of organizations in defense of freedom of expression and the press, largely a reaction towards the executive

environment. Brazil's worst performance continues to appear in the realm *Citizens Free to Express Themselves*. As for the negative impact of institutional environments unfavorable to freedom of expression, once again the collected data highlights the Executive Branch having a *strong* influence, especially in the *Violence and Impunity* realm; during this period, democratic institutions continued to be the target of unceasing attacks by the Executive, including the press. As for the realms, a positive change is observed for all of them in the index. The *Control over the media* and the *Exercise of Journalism* realms stand out as the ones with the best scores.

Below the global average and falling one place against the previous edition is **Bolivia**, with 47.22 points out of 100 as the nation remains still in the *partially restricted* range. The Executive, Legislative and Judicial environments have been the perpetrators at events where the violation of rights related to the freedom of the press and expression have taken place which, in turn, results in a *strong* influence on the *Exercise of Journalism*. Moreover, there has been no halt in the attacks and stigmatization against journalists or in the determination to prosecute and persecute the work of journalists that may discomfort the government by means of the dissolution of the secrecy of sources. The realm in which the country best qualifies is in *Control over the Media*, as it managed the position of *low restriction* range with 17.67 points out of a maximum of 25. This is the one realm that achieves a *slight influence* from the environment. However, in the *Violence and Impunity* realm, the result of 12.05 out of 42 points places it in the *high restriction* range.

**Mexico** is in the 17th position in the survey with 42.14 points out of 100; 7.07 points less and one place below than the previous edition. Freedom of the press in this country continues to deteriorate in a context of violence, lack of transparency, and limited actions by the Government to protect and guarantee this human right. The Executive environment shows *strong* influence on the matter, while the Legislative and Judicial environments preserve a *moderate* influence in the establishment, implementation and operation of public policies to guarantee the enjoyment of basic rights by citizens in general, and specifically by journalists. The realm that features the lowest score in relation to the maximum established is *Violence and Impunity*, where the country attains the *No Freedom of Expression* range with 7.71 points out of 42, only above Guatemala and Nicaragua. Violence against journalists has not diminished in the year under study by this survey; on the contrary, the agents of generation of violence have diversified. Nevertheless, one of the few improvements with regards to the protection of freedom of expression can be found in the state of Sinaloa, where the Law for the Protection of Journalists was recently enacted.

**El Salvador** is the last country in the *partial restriction* range. The country kept i the 18th place in the Chapultepec Index of Freedom of Expression and the Press with 40.82 points, 12.87 points below the Global Average. During the period surveyed, a new reform to the Code of Criminal Procedure was approved with the objective to punish with up to 15 years of imprisonment any media that broadcasts messages related to gangs. The latest report of the Human Rights Observatory of the Universidad Centroamericana José Simeón Cañas reveals that the mitigation of access to plural and timely flow of information in El Salvador is evident with the shutdown of spaces for citizen participation, the reluctance of public institutions to release data, the arbitrary pronouncements on information confidentiality and digital surveillance laws, approved during the period under analysis. Such issues directly affect the constitutional

guarantees of freedom of expression, of the press, and the access to public information. In the realms *Citizens Free to Express Themselves* and *Exercise of Journalism*, a *very strong* influence by the institutional environments was evidenced. In spite of these results, El Salvador has an Association of Journalists that is reinforced through the alliance between traditional media with independent digital media to counteract the limited access to public information, the restriction over official information from government institutions, the decline of petitions from Information Offices, and the lack of information in government transparency websites.

In this edition of the Chapultepec Index of Freedom of Expression and the Press, Guatemala is the only country in the *highly restrictive* category.

**Guatemala**, which fell two positions in the Index, recorded an unfavorable qualitative leap in relation to the fierceness of the attacks against the press through cases of imprisonment. It also reported the exile of some journalists, who took that decision to protect their lives and safety. This type of actions reached the highest point with the imprisonment of an executive of one of the most important media in the country which took place at the end of July 2022. Due to such occurrences, Guatemala ranks 19th out of 22 countries, with 38.40 out of 100. During the year of the measurement, a strategy of criminalization and intimidation - aimed at silencing the voices and the press - was deployed. This strategy joins together the orchestrated and articulated actions from the three branches of government to exert a *strong* influence over the *Exercise of Journalism* realm. Those who exercise journalism in the country face defamation, discrediting accusations and campaigns; harassment, surveillance, intimidation, ungrounded allegations, and even arbitrary detentions.

According to the experts' perception, Cuba, Venezuela and Nicaragua repeat as the worst rated countries in the Index in the category *with no freedom of expression*. During the surveyed period, violations of human rights in general remained which offered the worst institutional portrait for freedom of expression and the press. Yet, this time, and for the first time in the three editions that have been published so far, Nicaragua reached the last position.

With no political changes, the judicial persecution and violence against the press continued in **Cuba** (15.68) and Venezuela. The use of media shutdowns and imprisonment as a measure of censorship are common elements in these countries. The most deteriorated environment in Cuba is the Executive, having a *very strong influence* in situations unfavorable to freedom of expression. Equally, the most harmed realm is Realm A related to the *Flow of information and Freedom of Expression*; while the Legislative environment and Realm C on *Violence and Impunity*, continue again to be in better shape. Nevertheless, exercising freedom of expression and the press in the Caribbean island continues to be a risk. Threats to independent journalists and activists find their grounds on the new Criminal Code that will enter into force in December 2022. The surveyed period was also marked by the fleeing from the country and the forced exile of many independent reporters.

**Venezuela** (10.58) is still in the range of nations without freedom of expression, although it shows a slight increase compared to the previous period when it scored 5.71 points, and to the one before that, when it recorded 3.80 points. During the period under study, there was a



slight decrease in the number of cases of violence. Within the period of this edition, the murder of one community journalist was registered, as opposed to the four journalists murdered during the last survey. There was also a wide repertoire of actions that limit, restrict, and violate the conditions of communication and the rights of the citizens, journalists, and the media. As in the previous edition, the exercise of journalism does not enjoy the guarantees intrinsic to a democracy. The Executive branch has a *very strong influence* in all environments and realms, followed by the Judiciary and the Legislative branch, with *strong influence* in some realms. The *Exercise of Journalism* is the realm most affected by unfavorable situations.

During the period under study, **Nicaragua** recorded more than 300 attacks against journalists, and more than 700 attacks against the media, all directly attributed to the Government. In addition, 84 journalists were forcibly displaced and had to leave the country, according to figures from the monitoring report on violations of freedom of expression carried out by the organization "Voces del Sur". For such reasons, among others, it holds the worst performance in the region with only 9.50 points out of 100 in the Chapultepec Index of Freedom of Expression and the Press. Since 2007 to date, there are no press conferences in government institutions and no interviews to public officials for independent media. This is even worse during this surveyed period when the regime has enforced censorship and confiscation for media that pretend to contradict or inform with a line different to the official one. The influence of all branches of government on situations unfavorable to freedom of expression is *very strong*.

Finally, the instrument displays a tendency towards the detriment of the situation of freedom of expression in the region as the overall average has decreased. Countries like Uruguay, Chile, Peru and Guatemala experienced a decline in relation to the previous measurement's records. Between the best and worst rated countries, Canada and Nicaragua, there is a gap of 70.91 points for this edition.

Serious episodes that occurred during the (surveyed) period include the murders of journalists, attacks against media facilities, shutdowns of news corporations, the criminalization of social journalist, and the instigation to hatred against information authorities. One of the results of all this is the impoverishment of democracies in the most affected nations which are besieged by old and new restrictive schemes.

The development of the Chapultepec Index has also provided a clear evolutionary view of institutional behavior in relation to the freedom of expression and the press in the region. In 16 of the 22 countries analyzed, the Executive Branch appears as the most influential environment in situations unfavorable to freedom of expression.

In 4 of the 5 worst evaluated countries, the Judicial environment appears as the second most influential in situations unfavorable to freedom of expression and the press: Cuba, Guatemala, Nicaragua and Venezuela; as it acts as the executing arm of the directives from the executive branch.

In Ecuador, Panama, Dominican Republic and Uruguay, the Legislative environment leads the influence, being moderate for the first two and slight for the last two. This reflects the

consolidation of an official framework that legally affects the exercise of freedom of expression and the press.

Canada, the best evaluated country in this edition, holds a Judicial Branch with the least influence in situations adverse to freedom of expression and the press.

