

## PERU: THE DECLINE OF FREEDOM OF EXPRESSION

### Executive Summary

In terms of freedom of expression and the press, the Chapultepec Index 2022 exposes a setback for the Peruvian case. Since the new administration took office, the already tense relations between politicians and journalists have become even more strained. Journalists must operate in an environment marked by constant socioeconomic instability and a polarized political atmosphere. From 2021 to 2022, Peru has dropped from the seventh to the eleventh place in the Chapultepec Index, ranking with a partial restriction on freedom of expression. Both the legislative and executive environments had an unfavorable influence over the Peruvian press.

### Introduction

After the 2021 presidential and legislative elections, *Peru Libre* party Pedro Castillo was elected president of the Republic. Since his inauguration in July 2021, the political crisis seems to have flared up even more than during the election period. Without a majority of the ruling party in Congress, the confrontations between the Executive and the Legislative have not ceased. Although unsuccessful, two motions for presidential vacancy have already been presented.

There are six investigations at the Attorney General's Office against President Castillo (*CNN*, 2022), on his alleged involvement in corruption crimes. Among these, the Attorney General's Office accuses him of leading a criminal organization that participated in a Ministry of Housing's bidding to obtain unlawful profits (*Infobae*, 2022a).

Equally, 62% of the citizens consider that "... President Pedro Castillo is encumbering the work of the Attorney General's Office because he is guilty of the crimes under investigation", as reported by pollster *Ipsos Peru* in September 2022 (*Ipsos*, 2022). Both the Legislative and the Executive branches have kept high levels of disapproval.

Moreover, to conclude this overview, two years have not been enough to achieve the economic recovery following the crisis resulting from the COVID-19 pandemic, according to the Central Reserve Bank of Peru (*Gestión*, 2022).

Under these circumstances, the work of the press has been affected. Compared to the situation of low restriction attained in last year's Chapultepec Index, the Peruvian case has descended to a partial restriction on freedom of expression and the press. This has resulted in a drop from position 7 to 11, attaining a score of 55.14 out of 100.

Of the five realms analyzed by the Index, three have shown the sharpest decline under its evaluation: Violence and Impunity, Citizens Free to Express Themselves, and Exercise of Journalism. Unfortunately, it is remarkable the kidnapping of a journalist and a cameraman from

a Sunday news program by peasant patrols in Cajamarca, President Castillo's hometown. The journalist was forced to read an open apology for broadcasting a report involving the president's sister-in-law (*El Comercio*, 2022).

## **Results analysis on institutional environments: The negative influence has increased**

The context of the freedom of the press in Peru has declined. Compared to the 2020-2021 period, the negative influence of the Judicial, Legislative and Executive environments over the quality of freedom of expression has remained or increased. While the first environment stayed at a slight level of influence, as during last year, both the Legislative and Executive environments worsened and reached a moderate degree of influence.

The Judicial environment indicates an unfavorable degree of influence of 1.57. This is a slight increase of 0.50 points compared to the result of the previous period. In this occasion, the greatest progress was recorded in the Citizens Free to Express Themselves and the Exercise of Journalism realms.

Several times, the intimidation of journalists is carried out through legal means. Threats to file lawsuits and/or the use of notarized letters, proceedings and other judicial remedies are a common practice to hinder the free exercise of journalism.

An illustrative case was the first instance court sentence against journalist Christopher Acosta, author of *Plata como cancha*, an unauthorized biography of politician and businessman César Acuña. In January 2022, Acosta was sentenced to a two-year suspended prison term and to pay 400,000 Peruvian soles following a defamation lawsuit filed by Acuña (*Infobae*, 2022b). This was a conviction widely criticized by legal specialists, which was later rendered ineffective when Acuña withdrew the lawsuit.

On the other hand, a historic ruling took place. Almost thirty years after the kidnapping of journalist Gustavo Gorriti, the National Superior Court of Criminal Justice of Peru issued a ruling. It convicted former National Intelligence Service (SIN) director Vladimiro Montesinos to 17 years in prison for arranging the crime (Knight Center, 2022).

The Legislative is the second environment with the second highest increase on the degree of negative influence. It has an increase of 1.65 points, compared to the 2020-2021 period result, for a total score of 2.76. The degree of unfavorable influence went from slight to moderate in this environment.

In April 2022, different journalists reported on the obstructions to access congress facilities. Despite having been a restrictive measure as a result of COVID-19, and in spite of the fact that this type of measure had already been lifted in other sectors, journalists remained outdoors in a makeshift space in Plaza Bolivar, across the Congress (*El Comercio*, 2022).

It was only by the end of June when journalists were able to enter the galleries of the chamber and the Los Pasos Perdidos Hall of the Legislative Palace, key spaces for their journalistic work. However, the reduction of the capacity to 23 people and the restrictions to move around still encumbered the work of the press (*Infobae*, 2022c).

Finally, the Executive environment scored 3.59 points on the degree of unfavorable influence on freedom of expression, which means that it multiplied almost three times the score reached the previous year. The Executive becomes the most deleterious environment of influence of the three studied.

It is to highlight the case of the notarized letter sent by President of the Republic Pedro Castillo to Panamericana Televisión: "... I demand your rectification and I command you to proceed to read the notarized letter", he said to the director of the program "Panorama", which resulted from a report that featured statements by former presidential secretary Bruno Pacheco about alleged corruption in the Government Office (*Radio Programas del Perú (RPP)*, 2022).

On a similar note, during early October, the national media were prevented from entering President Castillo's conference where the constitutional complaint that the Attorney General had just presented at Congress against the president was going to be discussed (BBC, 2022). The Association of Foreign Press in Peru (*Asociación de Prensa Extranjera en el Perú, APEP*) rebutted the Executive's version that alleged that APEP had requested exclusive access to the conference (*Peru 21*, 2022b).

The above described scenario translated into a deterioration of the condition of freedom of expression and the press. Peru dropped four places in relation to the 2020-2021 period and gained the partial restriction classification. The final result is 55.14 points, slightly surpassing the global average of 53.69 points. It is clear that the condition of freedom of press has deteriorated for the Peruvian case.

In relation to the five realms studied, with the exception of the Control over the Media realm, the remaining have evidenced the growth of the negative influence of the Executive, Legislative and Judicial environments. The influence of the Executive environment in the Exercise of Journalism realm has been deemed as strong with 6.29 points out of a possible ten.

## **Realm A: Citizenry's ability to react**

Citizens Free to Express Themselves is the second most affected realm compared to last year's results. With 12 points, it scores less than half of the maximum possible points. In this case, both the Legislative and Executive environments are those that exerted the greatest negative influence, reaching a moderate level of influence, as opposed to the previous year when influence had been minor.

· Information Flow: this sub-realm scored 5.4 out of a total of 11 points. In this sub-realm, it is remarkable the restriction of press access to cover events of public interest that started a few days after the installation of the new administration. On August 5, 2021, press staff from different media outlets was banned from accessing the awarding of the President of the Republic as supreme chief of the Armed Forces and the National Police of Peru.

On the same note, at the beginning of October 2022, the Executive decided to exclude the national press from the President's press conference on the constitutional complaint filed at the Congress by the Attorney General, as mentioned above. The prolonged restriction on reporters' access to the Congress facilities set the tone in the Legislative environment during the period analyzed.

· Citizens free to express themselves: this sub-realm scored 6.6 points out of 12. Peruvians maintain their ability to respond to attempts to restrict freedom of expression. An example of it: the April 5, 2022 demonstrations in different cities in the country (*New York Times*, 2022). These arose as a response to an unjustified presidential order on the mandatory restriction of mobilization which the citizenry translated as an attempt to curb potential demonstrations due to the heightened political-economic crisis and the national strike of transportation workers.

## **Realm B: First restrictions to the exercise of journalism**

This realm has been, without a doubt, the most deteriorated one in comparison with the 2020-2021 period. Both, the Legislative and Executive environments are under a strong negative kind of influence. It is the only realm with such severity in its results. Although the Judicial environment worsened, its passage was from slight to a moderate negative influence. In general, the practice of journalism scored a total of 6.0 out of a possible ten points.

In spite of the lack of regulations that affect the profile of those who exercise the profession, or other facts that condition the development of independence, plurality, and the protection of sources, some restrictions on access to official sources have been implemented. For the Executive branch, the restrictions are on the coverage of presidential events of public interest; and in the case of the Legislative branch, for the prolonged prohibition of media access to key premises in the Legislative Palace.

Today, the exercise of journalism is more vulnerable to attacks. It is of great concern that these attacks come from both government players and third parties. This can be seen in greater detail in the following realm.

## **Realm C: Violence escalates**

The realm on Violence and Impunity against freedom of expression in Peru obtained the worst score among all the realms with only 14.7 points out of a possible 42. This implies a decrease of 6.87 points compared to last year's score in relation to the persecution of journalists and the media.

An indicator of the growth in the persecution of journalists is the stigmatization and sometimes the articulation of intimidating speeches against the media and their staff: "... night and day, we are permanently attacked by the mainstream press or by a segment of the press in Lima", "... in many cases the truth is not told, but do we say anything? We do not say anything. We have not issued any measures against the press" (*Perú 21*, 2022b). Those are some of the statements by Prime Minister Aníbal Torres.

There are no reports on the training of judges in matters of aggressions, murders or crimes against journalists and the media; and neither on major support or the promotion of protection instruments for journalists and the media. However, the Judiciary has allowed some impunity for actions against freedom of expression, as it has continued to use lawsuits as a way to stop the reports and to intimidate journalists.

Regarding the cases of violence, the kidnapping of the reporter and cameraman of the news program “*Cuarto Poder*” by peasant patrols in Chota, Cajamarca, sends alarms as it represents a new form of violence against the press in the country. Another unfortunate and illustrative example of this is the violence against television reporters Tiffany Tipiani and Hellen Meniz during the inauguration of the new administration (*Infobae*, 2022d). When trying to take statements from the President, security agents violently pushed them away. Tipiani was restrained and lifted while Meniz’s microphone was pulled away from her.

## **Realm D: Control that does not tighten up**

Lastly, compared to the other realms, control over the media presents the best results in the case of Peru. A total of 22.4 points out of a possible 25 were obtained. It should also be noted that the three environments exert a slight influence. The result is a slight improvement compared to last year.

Despite the obstacles to free news coverage and repression during the period studied, the media have achieved a clear independence for what they publish. Additionally, the media's open position during the period of the presidential elections has softened. There are no cases of media shutdowns, expropriation or confiscation, i.e. direct control over the media.

The consolidation of indigenous digital media, which can even report only through social networks, has helped to separate, little by little, the concentration of media ownership that has existed for at least six years. In general, there is also no evidence of indirect control such as restrictions on suppliers of goods (paper, raw materials, technological components, electricity, etc.) that affect the production and dissemination media information.

## **Conclusions**

The context of the freedom of the press in Peru has declined. From 2021 to 2022, Peru has fallen from the seventh to the eleventh place in the Chapultepec Index, ranking with a partial restriction of freedom of expression. Even so, in balance, it continues to hold a favorable context for it, in the midst of the political-economic crisis.

It is necessary to seek for improvements so that the cases of restriction of free news coverage in the Executive and Legislative branches do not become a trend. Especially, taking into account that both branches or environments are the ones bearing the greatest negative influence over the quality of freedom of expression this year, with the Executive branch being the worst of the two.

Peruvians maintain their ability to respond to attempts to restrict freedom of expression. A proof of this are the demonstrations carried out on April 5, 2022 in different cities in the country, as a response to an unjustified order on the mandatory restriction of mobilization by President Castillo with views to the possibility of protests due to the heightened political-economic crisis and the national strike of transportation workers.

The compulsory immobilization and the increase of online news consumption during 2020 and 2021, helped entrepreneurs set new digital indigenous journalism projects: websites, podcasts, or media that report exclusively via social media such as Instagram.

This phenomenon generated an alternative information flow as opposed to the traditional media. This has allowed citizens to have access to information that the latter do not provide, and to have a fluent and horizontal communication with the digital media through social media. There are no actions by the Government to limit the informative tasks of these media through regulations or specific actions.

Finally, the exercise of freedom of the press prevails through the institutional networking present in the nation. However, there is a weak protection framework for those engaged in this labor. The Judicial branch may be used to stop the work of the press, the laws offer little protection to journalists, and the success of the legal provisions usually depends on the support that the media decides and manages to provide.

## References

CNN. (2022). *Fiscalía de Perú abre sexta investigación contra el presidente Pedro Castillo* [Peru's Prosecutor's Office opens sixth investigation against President Pedro Castillo]. CNN.

[www.cnn.espanol.cnn.com/2022/08/11/fiscalia-de-peru-abre-sexta-investigacion-contra-el-presidente-pedro-castillo/](http://www.cnn.espanol.cnn.com/2022/08/11/fiscalia-de-peru-abre-sexta-investigacion-contra-el-presidente-pedro-castillo/)

*El Comercio*. (2022). *Congreso: Lanzas campaña para que permitan el ingreso de la prensa al Parlamento* [Congress: They launch a campaign to allow the press to enter Parliament]. *El Comercio*.

[www.elcomercio.pe/politica/congreso/congreso-lanzas-campana-para-que-permitan-el-ingreso-de-periodistas-al-hemiciclo-y-a-otras-instalaciones-del-parlamento-maria-del-carmen-alva-noticia/](http://www.elcomercio.pe/politica/congreso/congreso-lanzas-campana-para-que-permitan-el-ingreso-de-periodistas-al-hemiciclo-y-a-otras-instalaciones-del-parlamento-maria-del-carmen-alva-noticia/)

*Gestión*. (2022). *BCR: Efecto de crisis por COVID-19 es persistente en familias peruanas* [BCR: Effect of the COVID-19 crisis is persistent in Peruvian families]. *Gestión*.

[www.gestion.pe/economia/bcr-efecto-de-crisis-por-covid-19-es-persistente-en-familias-peruanas-noticia/?ref=gesr](http://www.gestion.pe/economia/bcr-efecto-de-crisis-por-covid-19-es-persistente-en-familias-peruanas-noticia/?ref=gesr)

*Infobae*. (2022a). *Las polémicas salidas de los titulares del Ministerio de Transportes y Comunicaciones* [The controversial exits of the holders of the Ministry of Transport and Communications]. *Infobae*.

[www.infobae.com/america/peru/2022/09/15/las-polemicas-salidas-de-los-titulares-del-ministerio-de-transportes-y-comunicaciones/](http://www.infobae.com/america/peru/2022/09/15/las-polemicas-salidas-de-los-titulares-del-ministerio-de-transportes-y-comunicaciones/)

*Infobae*. (2022b). *César Acuña desestima de continuar con demanda contra el periodista Christopher Acosta* [César Acuña rejects the continuation of the lawsuit against journalist Christopher Acosta]. *Infobae*.

[www.infobae.com/america/peru/2022/06/13/cesar-acuna-desestima-de-continuar-con-demanda-contra-el-periodista-christopher-acosta/](http://www.infobae.com/america/peru/2022/06/13/cesar-acuna-desestima-de-continuar-con-demanda-contra-el-periodista-christopher-acosta/)

*Infobae*. (2022c). *Congreso permitirá el ingreso de solo 23 periodistas al hemiciclo* [Congress will allow the entry of only 23 journalists to the hemicycle]. *Infobae*.

<https://www.infobae.com/america/peru/2022/06/14/congreso-permitira-el-ingreso-de-solo-23-periodistas-al-hemiciclo/>

*Infobae*. (2022d). *Pedro Castillo: las veces que atacó, desairó y maltrató a la prensa desde que asumió la presidencia* [Pedro Castillo: the times he attacked, snubbed and mistreated the press since he became president]. *Infobae*.

[www.infobae.com/america/peru/2022/02/22/pedro-castillo-las-veces-que-ataco-desairo-y-maltrato-a-la-prensa-desde-que-asumio-la-presidencia/](http://www.infobae.com/america/peru/2022/02/22/pedro-castillo-las-veces-que-ataco-desairo-y-maltrato-a-la-prensa-desde-que-asumio-la-presidencia/)

Ipsos Perú. (2022). *Encuesta Nacional Urbana – Rural. Informe de Resultados Estudio de opinión para El Comercio* [National Urban-Rural Survey. Results Report Opinion study for El Comercio]. Ipsos Perú.

[www.ipsos.com/sites/default/files/ct/news/documents/2022-09/Informe%20Encuesta%20Nacional%20Urbano%20Rural%20-%20EI%20Comercio%20-%20Ipsos%20%28Publicado%2012%20setiembre%29.pdf](http://www.ipsos.com/sites/default/files/ct/news/documents/2022-09/Informe%20Encuesta%20Nacional%20Urbano%20Rural%20-%20EI%20Comercio%20-%20Ipsos%20%28Publicado%2012%20setiembre%29.pdf)

Knight Center. (2021). *Periodista peruano Gustavo Gorriti sobre la sentencia de su secuestro: “No siento alegría, pero sí certeza de que la sentencia fue correcta”* [Peruvian journalist Gustavo Gorriti on the sentencing of his kidnapping: "I don't feel joy, but I do feel certain that the sentence was correct"]. Knight Center.

[www.latamjournalismreview.org/es/articles/periodista-peruano-gustavo-gorriti-sobre-la-sentencia-de-su-secuestro-no-siento-alegria-pero-si-certeza-de-que-la-sentencia-fue-correcta/](http://www.latamjournalismreview.org/es/articles/periodista-peruano-gustavo-gorriti-sobre-la-sentencia-de-su-secuestro-no-siento-alegria-pero-si-certeza-de-que-la-sentencia-fue-correcta/)

New York Times. (2022). *Protestas en Perú: el gobierno eliminó el estado de emergencia, pero las manifestaciones continúan* [Protests in Peru: the government lifted the state of emergency, but the demonstrations continue]. New York Times.

[www.nytimes.com/es/2022/04/05/espanol/peru-protestas-estado-emergencia.html](http://www.nytimes.com/es/2022/04/05/espanol/peru-protestas-estado-emergencia.html)

Perú 21. (2022a). *Prensa extranjera niega haber pedido exclusividad en conferencia de Pedro Castillo* [Foreign press denies having requested exclusivity in Pedro Castillo's conference]. Perú 21.

[www.peru21.pe/politica/asociacion-de-prensa-extranjera-niega-haber-pedido-exclusividad-en-conferencia-donde-se-restringio-acceso-a-medios-pedro-castillo-alejandro-salas-rmmn-noticia/](http://www.peru21.pe/politica/asociacion-de-prensa-extranjera-niega-haber-pedido-exclusividad-en-conferencia-donde-se-restringio-acceso-a-medios-pedro-castillo-alejandro-salas-rmmn-noticia/)

Perú 21. (2022b). *Aníbal Torres: las frases que dejó en contra de la prensa y su admiración por Hitler* [Aníbal Torres: the phrases he left against the press and his admiration for Hitler]. Perú 21.

[www.peru21.pe/politica/anibal-torres-las-frases-que-dejo-contra-la-prensa-y-admiracion-a-hitler-renuncia-a-la-presidencia-del-consejo-de-ministros-noticia/](http://www.peru21.pe/politica/anibal-torres-las-frases-que-dejo-contra-la-prensa-y-admiracion-a-hitler-renuncia-a-la-presidencia-del-consejo-de-ministros-noticia/)

RPP. (2022). *Pedro Castillo exige rectificación a Panorama y le ordena que se lea carta notarial en la que rechaza reportaje* [Pedro Castillo demands rectification from Panorama and orders it to read a notarial letter in which he rejects the report]. RPP.

[www.rpp.pe/politica/gobierno/pedro-castillo-exige-rectificacion-a-panorama-y-le-ordena-que-se-lea-carta-notarial-en-la-que-rechaza-reportaje-noticia-1423111](http://www.rpp.pe/politica/gobierno/pedro-castillo-exige-rectificacion-a-panorama-y-le-ordena-que-se-lea-carta-notarial-en-la-que-rechaza-reportaje-noticia-1423111)