

PERU: FREEDOM OF EXPRESSION IN COMPLETE DECLINE

Executive summary

The Chapultepec Index 2024 reports a serious setback in freedom of expression and the press in Peru. The South American country fell from twelfth to sixteenth place and registered its entry into the rating of “high restriction” on freedom of expression and the press. This deterioration is the most critical point of a decline that has occurred in recent years. From the 2021 edition to the current one, the country has presented a drop of almost 34 points in the Index. This year, the Executive Branch had the most unfavorable influence on the right to freedom of expression, closely followed by the Legislative Branch. Two influences noticeably more harmful than the previous year, according to the results.

Introduction

In March 2024, the “Rolex case” burst onto the Peruvian public agenda. A journalistic investigation put under scrutiny the origin of different jewelry and luxury watches belonging to the President of the Republic, Dina Boluarte. Shortly after, the case generated the opening of a tax investigation for the alleged crime of illicit enrichment and failure to declare (assets) ([IDEHPUCP, 2024](#)). The image of the National Police forcibly opening Boluarte's home, as part of a raid, made international news.

Citizens tried to assimilate this new political crisis, while the feeling of lax justice continued to reflect impunity. This derived from the murder of fifty civilians ([OHCHR, 2023](#)) a year ago, murders perpetrated in a context of abuse of the military and police force of the Dina Boluarte government ([HRW, 2023](#)). Only last July, the National Prosecutor's Office accused the president – and six former ministers – of the alleged crimes of qualified homicide, serious and minor injuries, to the detriment of some of the victims ([El País, 2024](#)).

The aforementioned “Rolex case” then had a direct impact on access to information of public interest. Boluarte stopped answering questions to journalists ([Swissinfo, 2024](#)) since then, with very few exceptions. Added to this was the publication of an audio where the Minister of the Interior, Juan José Santivanez, asked an unknown interlocutor to “control” the director of *La Encerrona*, the media that had revealed the “Rolex case” ([IPYS, 2024](#)).

Citizen insecurity has been a regrettable complement to Santivañez's ministerial portfolio. In particular, the rise in extortion cases in Lima. The transportation sector has been one of the hardest hit by this illegal practice. Tired of threats and murders, the workers called for a national strike of transporters, at the end of last September, where their main demand was greater security to go to work.

Despite this crisis of insecurity in the streets, the Congress of the Republic insisted on maintaining the widely criticized Law 32108, which changed the concept of criminal organization in the country, and limited its application to crimes with sentences greater than six years, excluding for example, the case of extortion ([PuntoEdu, 2024](#)). A legislative support that weakened the investigation of criminal organizations.

With this climate of impunity and citizen insecurity, the results of this Freedom of Expression and Press Index make sense. Of the three dimensions studied, the two worst evaluated were Violence and impunity against Journalists and the Media, and Informed Citizenship and Free Expression. The first obtained the most negative result, with only 8.16 points out of forty possible; and the second dimension, a result of nine out of thirty possible points.

Analysis of the results

Freedom of expression and press in the country is in complete decline. Between 2021 and 2024, Peru lost almost 34 points, a third of the total possible score (one hundred) of this Index, and fell from position seven to sixteen. The executive environment is once again the one that exerts the greatest negative influence on the right to free expression; The legislative environment follows, and then the judicial environment.

The first two (Executive Branch and Legislative Branch) reach a level of moderate influence, while the Judicial Branch is located at slight influence. The Executive reached 4.38 out of ten possible points, and showed a significant increase of 70% in reference to the result of the previous edition. This is explained because the attacks on the press have come even from the highest levels of the Executive Branch.

A couple of weeks after the revelation of the “Rolex case,” President Dina Boluarte gave a message to the Nation. In it, the president declared herself a victim of systematic harassment, describing the journalistic information as “biased and false” news. She alleged that the media are used to generate “chaos and uncertainty” to the detriment of the country. Comments with a strong stigmatizing load about journalistic practice ([ANP a, 2024](#)).

In a similar situation, Minister Juan José Santiváñez, who had asked to “control” journalist Marco Sifuentes after the “Rolex case,” threatened weeks later journalists Ricardo Velazco and César Hildebrandt, reporter and director of the weekly *Hildebrandt en sus Trece*, respectively.

During a television interview he called Velazco “miserable” and noted: “I am going to resort to all legal authorities, not only to initiate legal action against him, but also against the weekly and, logically, against its founder [...]”. This after the media reported on the minister's alleged participation in a money laundering scheme, according to the confession of a person accused of drug trafficking ([ANP b, 2024](#)).

Regarding the legislative environment, the degree of unfavorable influence on freedom of expression and press reached 4.08 out of ten possible points, and also showed a 70% increase in reference to the result of the previous edition.

Last July, for example, the then president of Congress, Alejandro Soto, prevented press access to the session of the permanent commission, where the election of the new members of the board of directors was discussed. He thus imposed that reporters follow the session through the Congressional television channel.

Weeks later, the same parliamentarian Soto would return to questionable behavior, when he decided to denounce Yessica Bazalar Sequeiros and Carlos Carrillo Berveño, journalists from *Radio Universal* and *Cusco en Portada*, respectively, for aggravated defamation, for issuing critical opinions about his performance as a congressman ([ANP a, 2024](#)).

Finally, regarding the judicial environment, the level of negative influence added up to 1.94 out of ten possible points, which meant a slight improvement compared to the previous year. Only in

the sub realm violence and impunity against journalists and media, this environment obtained a rating of moderate negative influence; in the other sub realm the level was slight.

At the beginning of the year, the Judiciary limited media coverage of an event of public interest, and issued a negative response to the request of the journalistic unions to allow their access to the trial against former president Alejandro Toledo and others involved. The justification for the refusal was based on the capacity ([ANP a, 2024](#)).

In general, the negative influence of the three environments, executive, legislative and judicial, has sharpened significantly. Furthermore, for the first time, the harmful impact of the Executive Branch and the Legislative Branch in the dimension Violence and Impunity against Journalists and Media has gone from “moderate” to “strong” category.

REALM: INFORMED CITIZENRY FREE TO EXPRESS THEMSELVES

Of the three dimensions of this Index, Informed Citizenry Free Expression is the second worst evaluated in the country, with only nine out of thirty possible points, less than a third of the total. In this edition, the following sub realms have been considered:

Information Flow: At this point, 4.57 was obtained out of eleven possible points, a decrease of 25% compared to the previous year. An example of the deterioration of access to information of public interest was the case of journalist Harold Moreno, who requested the operational plans of the Armed Forces during the protests in Ayacucho, in January 2023, and they were denied by the Ministry of Defense, despite having won the appeal before the Transparency Tribunal ([ANP c, 2024](#)).

Free expression: in this subrealm, the result was 2.71 out of nine possible points. Inside the country, the situation of reporters is especially vulnerable to legal intimidation and even physical attacks by the actors questioned in their journalistic reports. The aforementioned case of the complaint by former Congress president Alejandro Soto against Cusco journalists is an example of this.

Government Action against Disinformation: the result was 1.71 out of 10 possible points in this new sub realm of the index. The Executive Branch, for example, has been an agent of disinformation or the spread of false information. The most obvious episode also belongs to the “Rolex case”, when the president stated that the luxury watch was an “item from yesteryear” and “the fruit of her effort”, which was later denied when the true buyer of the jewel was known. ([RPP, 2024](#)).

REALM: VIOLENCE AND IMPUNITY AGAINST JOURNALISTS AND MEDIA

This is the worst evaluated realm, with only 8.16 out of 40 possible points. The following three sub realms were considered:

Protection. The evaluation in this sub realm was notoriously low: only 0.65 points out of 5. Historically, there has been little initiative on the part of the Peruvian Government to promote or provide protection measures for journalists. Through its human rights office, the National Association of Journalists (ANP by its acronym in Spanish) is the organization that carries out the most important work of mapping and collecting testimonies (at the national level) on the

risks and violations suffered by journalists and media, and contributes thus to the visibility of possible threats.

Action of the Government against Persecution: the result in this sub realm is the most worrying: 0 points out of 7 possible. The threatening statements of the Minister of the Interior, Juan José Santivañez, against journalistic media that make complaints against the Executive Branch, illustrate the deteriorating situation. Therefore, a search for control and intimidation over journalists is evident, including through degrading epithets and legal intimidation.

Another example is the case of journalist Gustavo Gorriti. In March, prosecutor Alcides Chinchay Castillo asked the director of IDL-Reporteros to hand over information from his cell phone, with the threat of subsequently requiring the lifting of the secrecy of his communications. A clear risk for the right to confidentiality of sources that protects journalistic work and for professional secrecy as a fundamental right established in the Peruvian Constitution ([ANP a, 2024](#)).

Government Action against Impunity: The evaluation for this sub realm was also especially low: 0.75 out of 8 possible points. A case that portrays this problem is the one that involves five reporters from different media outlets, who denounced citizen Hialmar Laynes Sanchez for systematic acts of sexual harassment, intimidation and threats.

“It is terrifying to know the impunity with which he lives and the panic with which we live,” said Manuela Camacho, one of the affected journalists ([Camacho, 2024](#)). And Laynes became a fugitive from justice as soon as he was given an effective prison sentence. Unfortunately, his escape was possible due to a first suspended prison sentence handed down by Judge Emma Tambini, now subject to an administrative disciplinary process for alleged functional misconduct ([El Comercio, 2024](#)).

REALM: CONTROL OVER MEDIA AND JOURNALISTS

Finally, this realm presents the best result compared to the others reviewed, although with important nuances in its three sub realms. It obtained a total of 19 points out of a possible 30. Below are the details of the results.

Direct Control and Indirect Control: a score of 11.71 out of 14 was obtained for the first subrealm, and six points (the total possible) for the second. And although the rating for direct control of the media has worsened slightly, it is evident that journalists have achieved independence in their publications despite the obstacles in the flow of information of public interest and the attacks received.

Practice of Journalism: the evaluation for this subrealm was especially low: only 1.29 out of 10 points. It is evident that attacks and aggressions against journalists come from the three environments studied, the Executive, Legislative and Judicial. Regarding the first, it is enough to remember the stigmatizing comments of President Boluarte or the threatening statements of the Minister of the Interior. Regarding the Judicial environment, it is enough to return to the impunity experienced by the reporters who were victims of the sexual harasser Hialmar Laynes.

From the Legislative branch, another case—again linked to Congressman Alejandro Soto—can illustrate the situation: the complaint by the Public Prosecutor's Office of the Congress of the Republic against the journalist Jose Miguel Hidalgo Rodriguez, from the investigation unit of the Sunday newspaper *Cuarto Poder*, to whom sought to attribute the crime of regulation against the then president of Congress, last June ([ANP d, 2024](#)).

Conclusions

The decline is undeniable, and is seen more clearly this year. In terms of freedom of expression and the press, Peru is only above Guatemala, Bolivia, El Salvador, Cuba, Venezuela and Nicaragua. That is, it is located in the group of the 7 countries worst evaluated by the Chapultepec Index.

Only compared to the previous year, it fell 4 positions, and the level of attacks on journalists and media remains stable at a dangerous level. Along with this, disinformation as a means of defense against journalistic complaints has been activated by government actors at different times.

This is a turning point in which a high sense of impunity, regular waves of political crises, and the rise in citizen insecurity come together. In addition to the reduction in the economic capabilities of citizens, a problem that has been dragging on since the crisis generated by the Covid-19 pandemic. The situation, meanwhile, facilitates the staggering of fundamental rights such as freedom of expression and freedom of the press.

The Executive environment is once again the one that exerts the greatest negative influence on said rights, but with a significant exacerbation. Today it is possible that the highest authority in the country, as well as ministers of State, carry out attacks against the press repeatedly. In this environment, it is key to address and stop the tendency to limit free news coverage and the flow of information of public interest.

Regarding the Legislative environment, it is necessary to remain vigilant in the face of legislative initiatives that seek to censor or generate self-censorship in the press, as well as in the face of harassment or complaints from parliamentarians who attempt to destabilize the exercise of journalism.

Regarding the Judicial environment, it is also critical to ensure access to judicial acts of public interest (hearings), and mainly to make visible cases of systematic attacks on journalists where impunity comes directly from the Judiciary itself, as in the case against Hialmar Laynes.

In conclusion, although in an increasingly precarious context and with greater challenges, the exercise of freedom of expression and the press in Peru still prevails thanks to an institutional framework supported mainly by civil society, the reporters and the media themselves.

References

ANP registra 119 ataques a periodistas y medios en lo que va del 2024. (2024 a).. ANP. <https://shorturl.at/Yqa6E>

ANP registró 352 ataques a la libertad de prensa en el 2023, cifra récord en el siglo XXI. (2024 c). ANP. <https://shorturl.at/Qe7fl>

ANP: Ministerio Público debe desestimar denuncia del Congreso contra periodista. (2024 d). ANP. <https://anp.org.pe/anp-ministerio-publico-debe-desestimar-denuncia-del-congreso-contra-periodista/>

Deterioro letal. Abusos por las fuerzas de seguridad y crisis democrática en el Perú. (2023). HRW.

<https://www.hrw.org/es/report/2023/04/26/deterioro-letal/abusos-por-las-fuerzas-de-seguridad-y-crisis-democratica-en-el>

Dina Boluarte sobre uso de reloj Rolex: "Lo que tengo es fruto de mi esfuerzo y trabajo". (2024). RPP. <https://rpp.pe/politica/gobierno/dina-boluarte-confirmando-que-utiliza-un-rolex-lo-que-tengo-es-fruto-de-mi-esfuerzo-y-trabajo-noticia-1541310>

Hialmar Laynes: allanaron vivienda de acosador de periodistas, pero no lo encontraron | VIDEO. (2024). El Comercio. https://elcomercio.pe/lima/hialmar-laynes-allanaron-vivienda-de-acosador-de-periodistas-pero-no-lo-encontraron-manuela-camacho-pnp-fiscalia-ultimas-noticia/?ref=ecr#google_vignette

La Fiscalía de la Nación de Perú denuncia a Dina Boluarte y seis exministros por los asesinatos durante las protestas. (2024). El País. <https://elpais.com/america/2024-07-31/la-fiscalia-de-la-nacion-de-peru-denuncia-a-dina-boluarte-y-seis-exministros-por-los-asesinatos-durante-las-protestas.html>

La presidenta de Perú sigue sin declarar a la prensa a pesar de las quejas del gremio. (2024). Swissinfo.ch. <https://www.swissinfo.ch/spa/la-presidenta-de-per%C3%BA-sigue-sin-declarar-a-la-prensa-a- pesar-de-las-quejas-del-gremio/79722084>

Ley 32108 sobre crimen organizado: "El Congreso ha generado incentivos para que las organizaciones delictivas crezcan". (2024). PuntoEdu. <https://puntoedu.pucp.edu.pe/coyuntura/ley-32108-crimen-organizado-congreso-ha-generado-incentivos-para-organizaciones-delictivas/>

Manuela Camacho. (2024). Cuenta personal en X. <https://x.com/ManuCamacho/status/1839044593100402999>

Ministro del Interior amenaza con querellar a semanario Hildebrandt en sus Trece. (2024 b). ANP. <https://anp.org.pe/ministro-del-interior-amenaza-con-querellar-a-semanario-hildebrandt-en-sus-trece/>

Observaciones sobre la situación de los derechos humanos en el contexto de las protestas en el Perú. (2023). OACNUDH. <https://www.ohchr.org/sites/default/files/documents/countries/peru/Peru-Report-2023-10-18-SP.pdf>

Perú: IPYS rechaza expresiones del ministro del Interior que exige "controlar" a periodista. (2024). IPYS. <https://ipys.org/alertas/per%C3%BA-ipys-rechaza-expresiones-del-ministro-del-interior-que-exige-%E2%80%9Ccontrolar%E2%80%9D-periodista>

Rolexgate: ¿solo un caso de enriquecimiento ilícito y omisión en declaración jurada?. (2024). IDEHPUCP. <https://idehpucp.pucp.edu.pe/boletin-eventos/rolexgate-solo-un-caso-de-enriquecimiento-ilicito-y-omision-en-declaracion-jurada/>

