

### Chapultepec Index Conclusions

The **Chapultepec Index of Freedom of Expression and the Press** is a valuable tool for measuring institutional action on Freedom of Expression and the Press in countries of the Americas, in accordance with the principles of the Declaration of Chapultepec and the Declaration of Salta, adopted by the Inter-American Press Association in 1994 and 2018 respectively.

This first edition of the Index covers the period from May 1, 2019 to April 30, 2020. The Index rates factors influencing freedom of the press, as grouped in four realms: Informed Citizens and Free to Express Themselves, Exercise of Journalism, Violence and Impunity, and Control over the Media. In addition, the study provides supplementary information on the influence of the institutional – executive, legislative and judicial – environments regarding situations unfavorable to Freedom of Expression and the Press.

The results obtained show a snapshot of the status of Freedom of Expression and the Press in the region, based on the perception of experts in each country. It is worth noting that, during the period reviewed, some countries changed their political systems and sitting governments, others underwent major social conflicts, and all began to experience the political, economic, and social fallout of the measures taken to address the spread of the COVID-19 pandemic.

The overall average obtained in the research was 51.42 points (out of 100), reflecting a partial restriction of freedom of speech and the press in the region. For the first realm, Informed Citizens Free to Express Themselves, the average was 12.7 out of a maximum of 23 points. Exercise of Journalism also achieved a score revealing a partial restriction: 6.7 out of 10 points.

With regard to the realm of Violence and Impunity, the results were less encouraging, achieving an average of 13.61 across the region, out of a maximum of 42 possible points. Indeed, the results indicate a high restriction in this realm.

Regarding Control over the Media, the overall average obtained was 18.39 points out of 25. The experts surveyed noticed a low restriction in this particular realm, except in the case of the three worst rated countries in the Index: Nicaragua, Cuba, and Venezuela.

None of the countries under analysis achieved the score required to be in the Full Freedom of Expression bracket (above 81 points out of a possible 100). However, based on the results, the following countries show low restrictions on Freedom of Expression and the Press: Chile, Argentina, Costa Rica, Uruguay, Canada, Peru, Paraguay, and Jamaica, eight of the 22 countries included in the research.

**Chile** was one of the countries where social conflicts of regional importance took place. Notwithstanding, it managed to lead the Index with 80 points out of the maximum of 100, providing favorable environments for the full exercise of freedom of expression, since government bodies are perceived to play a minor role in detrimental situations. However, it underscores concern about instances of aggression and impunity that may affect journalists and other news professionals during social conflict situations. The challenges faced by freedom of expression in this Southern Cone country stem from the results of the referendum set for October 25 this year, which also represents an opportunity for the media to obtain higher approval rates based on the strategies applied during the pandemic.

**Argentina's** positive result, with 77.2 points, was boosted by constructive relations of the different government environments with the media. This strategy promoted by the head of the Executive (Mauricio Macri) allowed journalists to work with greater freedom, which was reflected in the score achieved. In the case of this country, there was a change of government in the middle of the period under analysis and, at the same time, a slight change in strategy of the different government bodies towards the members of the press. Furthermore, the pandemic considerably affected the exercise of journalism in the country. The Executive has introduced a draft reform that could set off the alarms nationwide, with the probability of lowering the position held in this edition of the Index.

The third best-rated country in terms of Freedom of Expression and the Press was **Costa Rica**, at 76.8 points. Indeed, this country guarantees the exercise of this right thanks to a robust legal framework and respect from the different branches of government towards the defense of human rights. In this case, the economic effect of the measures adopted to fight the spread of the COVID-19 pandemic has been one of the greatest obstacles for the country.

With 74.4 points, the Eastern Republic of **Uruguay** is next on the list, reflecting the image of a country with a climate favorable for freedom of expression. However, it poses certain restrictions associated with the influence of the Executive. Red flags could also be raised by the results of a draft bill on the exercise of Freedom of Expression. Indeed, one of the greatest weaknesses in this country is the institutional design of regulatory statutes addressing the media.

**Canada** ranks 5<sup>th</sup> in the Chapultepec Index with a score of 71.4 points. In its case, the rights of Freedom of Expression and the Press are clearly guaranteed. The discussion focuses precisely on the distinction in scope between the two rights. In spite of being a consolidated democracy, there are situations – economic in nature – that affect the free development of journalists and the credibility of mainstream media in general.

The experts' perception of **Peru**, with 67.8 points, could be caused mainly by the low influence of environments in terms of control over the media. In fact, the country seeks to defend Freedom of Expression, even amidst a fragile institutional framework, out of fear of returning to previous government practices. It also relies on the proliferation of alternative media, emerging from IT breakthroughs. However, the most significant weaknesses are found in instances of violence and impunity against journalists.

**Paraguay**, the second last among the most positively viewed countries, scored 67.4 points. It has a legal framework that encourages the exercise of Freedom of Expression, as well as the emergence of alternative media enhancing this right. However, it lacks mechanisms to prevent violence and impunity against journalists. Alarms are beginning to sound in the face of legislative and judicial measures that attempt to restrict information.

**Jamaica**, with 65 points, also makes up this group of eight countries with a low restriction on Freedom of Expression and the Press, thereby offering a very positive outlook. The influence of the different environments has not impaired news delivery activity by the country's media, which have remained free and cohesive in informing the public. In addition, there are no severe violence and impunity incidents against journalists, who enjoy the support of unions, or against the media in general.

The following are the countries with results placing them in the category of freedom of expression and partially restricted press. This is the largest group: Colombia, Panama, Mexico, Honduras, USA, Dominican Republic, Guatemala, El Salvador, and Ecuador.

**Colombia** heads this list with 57.5 points, 6.28 above the global average. It stands out for having a structured system of protection for journalists, which is an example for the region, as well as a legal framework that safeguards and guarantees the exercise of rights in connection with freedom of expression. In this country, problems originate from the economic crisis affecting the telecommunications sector and from an increase in incidents of violence and impunity targeting journalists, from attacks by armed groups to the effect of court decisions against media professionals.

The next country is **Panama**, with a score of 55 points, which places it in tenth position in the Index. In general, Freedom of Expression and the Press is upheld; however, institutional actions impairing it are noticed. The country has a structured Public Radio and Television System promoting the dissemination of information to citizens; but there are still statutes that set forth as criminal offenses, even with aggravating circumstances, statements made in the exercise of freedom of expression, which encourages self-censorship.

**Mexico** also scored 55 points in the final assessment, pointing to a partial restriction with serious threats of deterioration. During the review period, the country experienced situations detrimental to Freedom of Expression and the Press. The control exercised by government agencies was reflected in the ratings achieved. Indeed, there do not seem to be any institutional initiatives seeking to favor Freedom of Expression or minimize the high violence and impunity that has harmed and continues to harm journalists. Nevertheless, there are still spaces that allow for pluralism of information.

**Honduras** is in 12<sup>th</sup> position in the Index, with 53 points. In this country, there is still some extent of independence among the media, although under weak government bodies that seem to be subjected to the Executive. This discouraging influence, coupled with crime, violence, and impunity rates, has seriously compromised the exercise of Freedom

of Expression by journalists. It is worth noting that laws restricting the dissemination of certain types of information, such as the so-called "Law of Secrecy", are still in force.

According to the perception of the experts consulted, Freedom of Expression and the Press is partially restricted in the **USA**, resulting in a score of 49.6 points, 1.82 points below the overall average (51.42). Here again, the unfavorable influence of the executive environment prevails over the others. The communication strategy pursued by President Donald Trump has been described as intimidating for journalists and threatening towards the media that oppose him. However, the solid and robust legal framework of the State protects Freedom of Expression and prohibits actions that may curb this right. This guarantee also encourages the rise of media outlets that promote extreme views.

One position below, we find the **Dominican Republic**, with 47 points, a country where support of government bodies towards those media and journalists with opinions favorable to them is noted. Therefore, the financial aspect is a determining factor for the development of the industry, and consequently of plurality of information. Fortunately, breakthroughs in IT have allowed for the emergence of alternative media facilitating the free expression of citizens. No situations causing alarm in terms of violence and impunity against journalists have been noticed.

**Guatemala** is ranked 15<sup>th</sup> in the Chapultepec Index, with 46 points. According to the experts' perception, there seems to be a sign of regression regarding Human Rights protection in this country, thereby compromising Freedom of Expression and the Press, mainly in reason of restrictions from the Executive and the Legislative. Additionally, there are no mechanisms to protect journalists from serious, ever-increasing violence and impunity incidents.

With a difference of 8.82 points below the global average, **El Salvador** has a score of 42.6 points out of 100. According to the opinion of those inquired, the performance of the head of the Executive, President Nayib Bukele, has precipitated the deterioration of freedom of expression, affecting all the realms reviewed. There is a continuous pattern of violence and persecution against journalists, and greater controls over the media. Other fundamental rights for the exercise of a full democracy have also been impaired. These situations are setting off alarms in the face of the increasingly intense violation of Freedom of Expression and the Press in the Central American country.

**Ecuador** is the last country to join the bracket of partial restrictions on freedom of expression. With 42.5 points, the experts assessed not only the hostile relations of the government with journalists, but also the institutional weakness regarding protection of Freedom of Expression and the Press in the form of unwillingness to enact favorable statutory reforms. However, the communications industry remains organized and proactive in launching initiatives preserving freedom of expression to an acceptable extent.

In Bolivia and Brazil, the results show that Freedom of Expression and the Press is highly restricted.

**Bolivia** is ranked 18<sup>th</sup> in the Index, with a score of 39.8, resulting from the perception of a particularly difficult time for the country, the transition from a dictatorial regime to a nascent democracy, which is still undermined by the influence of past practices. At the beginning of the period reviewed, Freedom of Expression and the Press was seriously compromised, with the presence of censoring agencies and violent mechanisms of pressure on the media and journalists. The change in government represented the recovery of lost spaces for fundamental rights, among them Freedom of Expression. New media have been established and, although it may seem difficult to break free from authoritarian practices, improvements are expected for the sector.

**Brazil**, on the other hand, showed a performance discouraging the exercise of Freedom of Expression and the Press, being rated at 37.2 points, with the realm of Violence and Impunity and that of Informed Citizens Free to Express Themselves standing out. In this case, the performance of the Executive (headed by Jair Bolsonaro), is viewed as the greatest threat, not only to Freedom of Expression, but to other rights inherent to any democracy. However, the legislative and judicial environments are still able to check the president's actions, which represents a strength.

Nicaragua, Cuba, and Venezuela are the worst rated countries in the Index. According to experts, these nations are experiencing serious human rights violations in general. They were described as countries without Freedom of Expression.

**Nicaragua**, with 16 points, is considered a dictatorship by the Organization of American States. Freedom of Expression and the Press violations are evident, and with a very high level of violence and attacks on journalists. The three environments act in an orchestrated manner to promote impunity in this regard. The Executive exercises control over the other two branches. There is also extreme control over the media. The communications strategy adopted is one favoring only those media aligned with the regime while acting very aggressively towards those that oppose it. However, there are still independent media that stand up for free speech and access to information.

**Cuba**, rated at 6.2 points, is the second last country of the region in the Chapultepec Index. Under a totalitarian regime that has ruled the country for decades, it is difficult and dangerous to fight its control mechanisms through independent journalism. Expressing oneself freely can cost personal freedom, not only for newsmen but also for the general population. Years of indoctrination and severe sanctions have instilled fear in the population, which has led to self-censorship in all respects. Notwithstanding, with the rise of technology, more and more voices make themselves heard to tell the world what is happening. Strong domestic restrictions make it difficult for citizens to stay informed.

Finally, the worst rated country in the region is **Venezuela**, at 3.8 points. 47.62 points below the global average and 76.2 points below the best-rated country. The Executive

dominates the functioning of institutions, encouraging disparagement of the media and persecution, not only against journalists, but also against citizens who want to express themselves freely on social media (practically the only ones available to the population). Control and pressure from the government on media outlets opposed to the Executive has forced many to shut down because of direct and indirect actions compromising their sustainability. The illegitimate enactment of laws that violate Freedom of Expression (for example, the act known as the Anti-Hate Law), as well as repressive and violent actions, have instilled fear in many journalists and citizens in general, who have been violently attacked, tortured, violated, and viciously abused, as reported by regional Human Rights organizations. The few spaces left to disseminate information are in the digital domain, despite the innumerable blockades conducted by the regime (including Internet disruptions and power outages).

In conclusion, in 19 of the 22 countries reviewed, the Executive appears to be the most influential environment in situations discouraging free speech (all except Chile, Peru, and Paraguay).

In three of the five worst rated countries, the judicial system appears to be the second most influential in situations detrimental to Freedom of Expression and the Press. This is the case in Venezuela, Nicaragua, and Brazil.

In the cases of Cuba and El Salvador, the Legislative is the second most influential in situations adverse to this right.

Chile, the best-rated country in this edition, has, in its Executive, the branch of government least influential in situations adverse to Freedom of Expression and the Press.

