

## **CHAPULTEPEC INDEX - METHODOLOGICAL FACTSHEET**

110 experts were surveyed between May and August 2020 on the study period from May 1, 2019, to April 30, 2020. The results only reflect the experts' perceptions on institutional actions in the period of study. The criteria for selecting the respondents, composed of five individuals per country, were as follows

- One journalist
- One editor or media outlet chief officer
- One academic expert on free speech
- One member an NGO in charge of following up situations related to freedom of expression and the press in the corresponding country;
- The regional vice-president or a high representative of the IAPA in the respective country.

The higher the score, the more favorable is the position achieved in the Index of Freedom of Expression and the Press. According to the score, five possible categories were established:

- Countries with full freedom of expression (81-100 points)
- Countries with low restriction of freedom of expression (61- 80 points)
- Countries with partial restriction on freedom of expression (41-60 points)
- Countries with high restrictions on freedom of expression (21-40 points)
- Countries without freedom of expression (0-20 points)

Perceptions on government actions and their impact on situations unfavorable to freedom of expression in connection with the performance of its officials in its classical branches – executive, legislative, and judicial – were measured. According to the perceptions reported, the influence of environments on situations discouraging freedom of expression could be:

- No unfavorable influence: zero
- Slight influence: 1 to 2.5
- Moderate influence: 2.51 to 5
- Strong influence: 5.01 to 7.5
- Very strong influence: 7.51 to 10

The countries reviewed for this first edition of the Chapultepec Index are Argentina, Bolivia, Brazil, Canada, Colombia, Costa Rica, Cuba, Chile, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, USA, Uruguay, and Venezuela.

Country results overviews are provided along with reports from 22 correspondents and compiled in the document attached hereto. Reading these reports will facilitate understanding the facts that, during the study period, had an impact on freedom of expression and the press.

### **SCORES ACHIEVED GROUPED IN REALMS**

The indicators of the Chapultepec Index were grouped in four realms as defined below:

#### **REALM A: Informed citizens free to express themselves**

This includes the actions or omissions of the branches of government regarding the right of citizens to be informed and to be able to express themselves freely. The maximum theoretical value of this realm is 23 points. Based on this, two sub-realms were conceptualized:

**- Information flow from the media:** This refers to government actions promoting the flow of plural and timely information to the citizenry. The maximum score in this sub-realm is 11 points. The value achieved in this sub-realm is contingent upon whether or not citizens' access to public information is limited; whether rights relating to freedom of expression and the press are restricted; whether the government asserts the right of reply as a mechanism for controlling information at convenience; whether the right to be forgotten is improperly used to remove the historical record of public interest matters; whether a media ecosystem with public and private entities is used to further the government's view to the detriment of plurality; whether citizens are constrained from reliable, quality, and accessible Internet service.

- **Citizens free to express themselves:** This sub-realm explores whether the government provides opportunities for citizens to express themselves in the public arena. The maximum score in this sub-realm is 12 points. The score depends on perceptions as to whether the State encourages censorship of news content considered contrary by the powers-that-be; whether government officials suppress public interest statements online; whether the government imposes harsher penalties for public interest statements online; and whether there are provisions conducive to increasing criminal charges for defamation, slander, and contempt.

## **REALM B: Exercise of journalism**

This realm explores whether the government guarantees the exercise of journalism. Its maximum score is 10 points and is contingent upon on whether there are government measures in place on intellectual property to protect journalistic content from plagiarism and improper use; whether there are statutory provisions making affiliation of journalists to unions and associations mandatory. Additionally, it measures whether the government requires an academic degree to engage in journalistic activities; whether the State restricts or denies those media critical of the government stance access to official sources; and whether the government compels to disclose journalistic sources, and further contemplates prosecution against them.

## **REALM C: Violence and impunity**

It encompasses government actions aimed at protecting journalists, preventing attacks and aggressions against newsmen and the media, and legislation providing for harsher penalties in order to avoid impunity in the case of crimes against journalists and the media. Because of its importance, this realm has the highest weight when calculating the Chapultepec Index, with a total theoretical maximum of 42 points.

This realm was divided into three sub-realms:

- **Persecution:** Respondents indicate whether the government encourages persecuting journalists and the media for statements *a priori* considered, regardless of their intent, offensive to government officials or close interest groups; and whether this generates intimidation, stigmatization, and hate speech against journalists and the media. It has a value of 15 points.

- **Protection:** It has a value of 10 points. The experts surveyed indicate whether the government has provisions in place to protect journalists; whether it has taken actions to prevent attacks and aggressions against journalists and the media, as well as to protect both in case of threats; and whether there is willingness to provide training to judges on assaults, killings, and crimes against journalists and the media.

- **Impunity:** With a maximum score of 17, it reflects the responses of those inquired to questions on whether there is legislation increasing penalties in cases of aggravated murder of journalists; whether there are specific provisions to forbid the statute of limitations for homicides, attacks, and threats against journalists, and media outlets; whether there are court sentences or rulings stipulating harsher punishment in cases of crimes against journalists and media, and whether the State complies with sentences or rulings by international bodies whereby it is held responsible for crimes against journalists and media and bound to make reparations to the victims.

## **REALM D: Control over the media**

It has a value of 25 points. It encompasses actions or omissions on direct and indirect control over the media. It is divided into two sub-realms.

- **Direct control:** This measures, with a maximum of 16 points, whether there has been, on the part of the government, closure, expropriation, or seizure measures on media outlets, as well as discriminatory use of tax provisions, thereby encouraging fiscal privileges for those media outlets aligned with its stance or undermining those media outlets or groups contrary to official views. It also accounts for whether the government allows the granting of media permits, as well as the allocation of public funds and official advertising, to be done under arbitrary and discriminatory criteria. It also assesses the perception of whether the government has revoked media licenses on political grounds.

- **Indirect control:** it weighs, with a maximum of 9 points, whether the government allows for direct restrictions or blockages of different digital information platforms considered contrary to the interests of the powers-that-be; whether the government applies pressure on technological intermediaries – such as pay TV systems, ISPs, and suppliers – in order to prevent the media from disseminating certain contents. It quantifies the experts' view on whether or not there were restrictions on intermediate goods suppliers (newsprint, materials, IT components, electrical power, etc.) affecting the production and dissemination of information by the media.

## **INFLUENCE OF ENVIRONMENTS**

The Chapultepec Index shows the extent to which institutional actions from the legislative, judicial, and executive environments affect freedom of expression. In addition, it reflects the perception of the extent to which each environment influences situations discouraging free speech. This is how we define each environment:

- **Legislative Environment:** It encompasses all institutional actions and dynamics within the Legislative, including compliance with international agreements validly entered into by the State, regarding the statutory body of the right to freedom of expression. In this sense, it relates to the statutory development in the constitutional and legal scope in force during the period under analysis, as well as possible reform projects that have either

a positive and negative impact on the evolution of the right to freedom of expression. Examples: Constitutional and legal provisions, discussion of draft bills, ongoing constitutional reforms on the issues addressed by the realms.

- **Judicial Environment:** This corresponds to the scope of institutional actions and dynamics emanating from the Judiciary, in its diverse forms and levels of embodiment, including compliance with international agreements validly entered into by the State, regarding the right to freedom of expression in a given country under review, both of pre-emptive and prosecutorial nature, thus including any injunctive, interlocutory, or executive manifestation of the State's jurisdictional authority or role. Examples: Judgments at all court levels, injunctive relief, or ongoing judicial proceedings on the issues addressed by the realms.

- **Executive Environment:** It encompasses all institutional actions and dynamics of an administrative and regulatory nature relating to the right to freedom of expression performed by the different levels of the executive branch of government, including compliance with international agreements validly entered into by the State, as well as the enforcement of the entire body of licenses, permits, clearances, audits, or penalties provided for in the regulations of the country under analysis. Examples: Allocation of frequencies, control over content, tax regimen, and other issues addressed by the realms.

