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Freedom of the Press 2013 - Peru

Freedom of the press is guaranteed by the 1993 constitution, but local and international media organizations continued to express concern about the harassment of reporters by both state and nonstate actors in 2012.

Politicians frequently react to criticism, particularly corruption allegations, by suing journalists, press outlets, and activists. Defamation remains a criminal offense that can result in imprisonment, though suspended sentences are more common. In response to pressure from national and international media freedom organizations, Peru's Congress passed a bill in July 2011 that would eliminate jail terms for defamation and impose only fines and community service. While President Ollanta Humala expressed support for the decriminalization of libel before he was elected in 2011, as of the end of 2012 his administration had yet to take concrete steps to finalize the law. In June 2012, a court in Lima convicted *Diario 16* editor Juan Carlos Tafur and reporter Roberto More Chávez of defaming a retired general by linking him to drug traffickers in a 2011 article. Each journalist received a two-year suspended sentence and a fine of \$22,200. In a positive development in March, an appeals court overturned a defamation verdict against radio journalist Teobaldo Meléndez Fachín for a 2011 story about local government corruption in the town of Yurimaguas.

Several laws passed or under consideration in 2012 could limit freedom of expression in Peru. A modification of the penal code that Humala signed into law in January criminalizes the dissemination of information obtained from the illegal interception of communications, a tactic that journalists have historically used to expose official corruption. In August, Humala proposed the "Law on Denialism" (*negacionismo*), which would criminalize the expression of opinions that "approve, justify, deny, or minimize crimes committed by members of terrorist organizations," and make them punishable by four to eight years in prison. In addition, a proposed Cybercrime Law under consideration in Congress during 2012 has alarmed activists because it would allow police to access users' personal information without a court order.

Despite the existence of access to information laws, adherence to transparency norms is inconsistent, particularly at the regional and local levels. Peru suffered a serious setback in its freedom of information laws in December 2012, when the government published a legislative decree denying the public access to any information related to national security and defense. Any person who reveals such information could be charged with a criminal offense and punished with up to 15 years in prison.

There is no independent media regulatory body in Peru; under the 2004 Radio and Television Law, broadcast licensing is the responsibility of the Ministry of Transport and Communications.

Physical attacks and threats against media workers continue to create a hostile climate for the press, though there was a decrease in the number of attacks in 2012, and no reporters were murdered. The National Association of Peruvian Journalists registered 132 press freedom violations in 2012, including physical and verbal attacks, threats and harassment, administrative and judicial pressure, and impediments to practicing journalism. Topics such as corruption and misuse of state resources, drug trafficking, and mining-related social

conflict are considered particularly dangerous to cover. Tensions related to the country's most controversial mining project, in the Cajamarca region of northern Peru, were linked to over a dozen episodes of beatings or threats in 2012 alone. In April, a radio journalist was kidnapped and briefly held by members of a rural self-defense group in Cajamarca, and five journalists were beaten by police during antimining demonstrations in the region in July. In June, television journalist Jaime Alfredo Núñez del Prado was attacked and seriously injured while airing a report on alleged corruption involving the mayor of Calca in the Cuzco region.

Impunity for perpetrators of attacks on journalists continues to be a problem. In April 2012, the prosecutor leading the investigation of the 2011 murder of journalist Pedro Flores Silva was himself murdered. In May, a court in Lima ended eight years of trials and retrials by acquitting a former mayor and his municipal administrator of the 2004 murder of journalist Alberto Rivera Fernández, citing insufficient evidence.

The government owns one television network and two radio stations, and operates the print news agency Andina. However, private outlets dominate the media industry, and the audience for state-run media is relatively small. Radio is an important news medium, especially in the countryside, and many incidents of harassment, intimidation, and censorship by media owners are related to coverage of local issues on the radio. The media corruption that was endemic during Alberto Fujimori's presidency in the 1990s continues to some extent, with journalists occasionally accepting bribes in exchange for slanted coverage. Media outlets often experience pressure from both political officials and business interests to censor or limit coverage of sensitive topics.

In 2012, 38 percent of Peruvians had access to the internet, with no reported government restrictions on users' activity.

2013 Scores

Press Status

Partly Free

Press Freedom Score

43

Legal Environment

14

Political Environment

18

Economic Environment

11

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