

## Chapultepec Index - Excerpts from reports of 22 countries, 2020 to 2022

### Argentina

**2022:** The exercise of journalism continues to be the most affected realm, mainly through the restrictions to official sources and even demands to allow access to sources of individual journalists (Inter American Press Association, 2021).

At the same time, the Agency for Access to Public Information (Agencia de Acceso a la Información Pública) designed to the fostering of measures and actions of active transparency, displayed clear signs of outstanding slow performance, polarization, and internal political clashes, making the access and dissemination of public information of interest cumbersome (FOPEA 2022).

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**2020:** Mauricio Macri's term in office (2015-2019) as the head of the national executive branch had a positive balance in regards to freedom of the press: "Press conferences of government officials resumed, information flows were restored, state-owned media were depoliticized, the law on access to public information was signed into law, and the allocation of government advertising was regulated" (ADEPA, 2019).

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### Bolivia

**2022:** Among other issues, journalists have been denied access to government facilities such as the [Plurinational] Legislative Council (September 2021) or the courts where trial proceedings of national relevance are conducted (the judgment of Jeanine Añez).

It is worth mentioning that Bolivian justice is one of the most questioned by citizens due to its lack of independence from the Executive, corruption scandals, excessive backlog in serving justice, poor transparency in proceedings, clearly unqualified staff, fast-tracking of cases convenient to the current government and detrimental to its opponents, among others.

The exercise of journalism cannot but be at jeopardy amid attempts at limiting, subduing, or silencing it. All kinds or restrictions on access, production, and dissemination of public information and journalism's role in bringing it more accessible to citizens become a warning sign of threat to the rule of law itself.

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**2021:** In the absence of a Bill of Access to Public Information, the government has relied on different methods to exert pressure or control over the media. In February 2021, Minister of Justice Iván Lima announced the establishment of the debate on the Draft Bill on Access to Public Information, a regulation that has been delayed on several occasions due to the distrust that produced the decisions and proposals made by MAS among the unions and associations of journalists and media in the country. However, the issue has not addressed again on the legislative or public agenda (Los Tiempos, February 07, 2021).

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## **Brazil**

**2021:** Early in his term, Lira decided to change the location of the press room for journalists covering the activities of the House of Representatives, so that reporters would no longer access the House floor directly. This measure was widely reported and viewed as retaliation for media coverage critical of the government (Calgaro & Clavery, 2021). This measure was questioned by opposition congresspersons as an example of an attack on the exercise of journalistic activity and, consequently, on the freedom of the press (“Parlamentares questionam Lira...”, 2021). The reaction led the Speaker of the House to reverse his decision (“Arthur Lira recua...”, 2021).

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**2020:** It is also worth mentioning the exercise of journalism in the face of the government's practice of adopting alternative versions of reality when facts do not suit its convenience, with noted incidents occurred during the period covered by this report. In June 2019, the Minister of Citizenship banned the release of a research by the Oswaldo Cruz Foundation (Fundação Oswaldo Cruz, Fiocruz) on controlled substance use in the country, to the point that the Attorney General's Office was called to overcome the impasse (Oliveira, 2019). The president himself even shed doubts about official data on hunger and deforestation in the country (Pereira, 2019). During the recent coronavirus pandemic, mistrust of official data and access to evidence-based information was fueled (Muniz, Fonseca & Oliveira, 2020).

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## **Canada**

**2022:** One issue that continues to emerge as troubling is the level of influence that executive bodies, especially federal and provincial premiers and their cabinets, exert on their relationship with the media and journalists. In the Index, this influence still appears as "moderate", but it is higher than that of the judicial and legislative environments, due to the perception that governments at the federal and provincial levels are not always transparent in the information they provide to the media. A recent survey conducted by the Fédération Professionnelle des Journalistes du Québec (FPJQ) indicates that almost 64% of the journalists inquired pointed out some kind of obstacle when accessing government information (FPJQ, 2022).

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**2021:** In general, the citizens' ability to express themselves freely and their levels of information are perceived as lowly restricted. Although the rights to freedom of expression and of access to information are protected by the country's laws, courts, and other agencies, such as the Federal Telecommunications Commission (Canadian Radio-television and Telecommunications Commission, CRTC), the crisis environment arising from the COVID-19 pandemic has affected the perception of citizens' levels of information. Of particular note here are the attacks targeting journalists for reporting on the pandemic, as illustrated by the cases of Radio-Canada journalists harassed in Sherbrooke and science journalist Marine Corniou (FPJQ, 2021 a, b).

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**2020:** The Judiciary in Canada also has an impact on the issue of freedom of expression, especially in cases of defamation or instigation to hate and, on certain occasions, regarding access to or protection of sources of information. These matters are heard both in federal and provincial courts, which further complicates discerning their role in issues relating to freedom of expression and the press.

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## **Chile**

**2022:** On the other hand, to encourage and follow up news on the Constitutional Convention's work, the media produced special shows, editions,

or segments covering, disseminating, or discussing the contents of the new draft for the highest law of the land. Efforts were made to interview or bring spokespersons from across the political spectrum on each issue. Additionally, online news sites and even WhatsApp bots were created to make access to information content more accessible.

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**2021:** For its part, the Chilean Media Federation (Federación de Medios de Chile) has also established some priorities. Its president, Juan Jaime Díaz, advocates for a Constitution "that respects the role of the media as a means to promote public debate, and as entities of social oversight over power, which involves the defense of editorial freedom against any interference". Díaz also calls for "the recognition of socially responsible media, but always based on self-regulation". Additionally, he demands for "stronger right for the access to public information, [...] the prohibition of any prior censorship, and a [...] thorough study on the presence of officials who penalize some media expressions" (Anda, 2020).

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**2020:** By no means does the government restrict citizens' access to public information or their rights of freedom of expression and the press. The only state-run media outlet is 5 Televisión Nacional de Chile, amidst a deep economic crisis (Cooperativa.cl, 2020) and with representatives from different political groups in its board of directors to guarantee balanced information, also under scrutiny from viewers who file complaints with the National Television Council<sup>1</sup> (Consejo Nacional de Televisión). Internet service providers are in the hands of private companies and service is available to anyone who can afford it.

Nor have there been any known restrictions on access to sources against any accredited media, and as never before – due to the social and health crisis – both President Piñera and his ministers respond to inquiries from the press every day. The daily report of the public health team is delivered collectively and [the conference is] open to free, unscripted questions, leaving room for differences of opinion with the authority without censorship.

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## **Colombia**

**2022:** In accordance with what was analyzed in the realm above, both citizens and the media have little access to public information. Although Colombia has an act on access to public information, officials do not comply with it and hide work-related relevant information, preventing the media from exercising oversight work, subjecting them to a wear-and-tear filing of delayed petition rights and protective actions that order them to comply with the law by court ruling. On the other hand, administrative authorities such as the Superintendence of Industry and Commerce, judicial authorities such as the National Directorate of Copyright's Directorate of Jurisdictional Affairs and judges of the Republic do their best to protect intellectual property rights (trademarks, patents, copyrights on writings, caricatures and photographs, among others) in Colombian territory.

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**2021:** In this sub-realm, the experts assessed the limitations of access to public information and to the rights linked to freedom of expression and the press; the convenient use of the rights to reply and oblivion done by the government, as well as the use of public and private media to favor the governmental vision; In addition, the limitations for citizens to have a good quality, accessible and reliable Internet service.

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**2020:** In this sub-realm, the experts assessed the limitations on access to public information and to rights in connection with freedom of expression and the press, the appropriate enforcement by the government of the rights of reply and to be forgotten, as well as the use of public and private media to further the government's views, in addition to constraints on citizens from obtaining reliable, quality, and accessible Internet service.

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### **Costa Rica**

**2022:** For example, Carlos Alvarado was widely criticized for his poor cooperation with the media. In fact, in January 2022, the Ombudsman's Office (Defensoría de los Habitantes), indicated that: When the highest political official, this being the President of the Republic, does not address the press, openly and without middlepersons, and instead restricts press access and refuses to engage in any interview or press conference, the rest of the officials

will follow their example and consequently the country will become opaque regarding accountability and transparency (Castro, 2022).

During the 2022 electoral process, the people had access to the information necessary to make their electoral choices while journalists and the media faced several challenges to access public information. In fact, the Legislative and the Judicial Environments exerted a slight influence (with 1.43 and 1.50 points, respectively), while the Executive environment had a moderate influence with 2.93 points.

On the one hand, we can state that there was access to public information, especially in connection with the elections (...). On the other hand –as mentioned above– journalists and the media often reported the restrictions they were met with to access official sources during the administration of Carlos Alvarado and Rodrigo Chaves.

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**2021:** Costa Rica remains one of the best countries in the region for the exercise of freedom of the press and freedom of expression. With 73.21 points out of a maximum possible 100, Costa Rica holds the sixth position in the ranking, with low restrictions on freedom of expression. Overall, among the categories reviewed, the good assessment of Realm D, regarding control over the media, stands out. The Government refrains from meddling directly or indirectly with the activity of mainstream and social media, thereby guaranteeing access to public information, media plurality, and content.

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**2020:** In general, the right to access public information is guaranteed, thereby allowing citizens to obtain information on major issues of interest. Both citizens and the media can disseminate information without fear of reprisal, which explains why the overall rating is positive (16.5 points out of 23). Citizens can access government information, comment and publish their opinions on mainstream and digital media. It should be noted that there are no regulations creating a restrictive environment or encouraging self-censorship to avoid being imposed penalties. In the sub-dimension on information flow, Costa Rica is relatively well rated (6.5 points out of 11).

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## **Cuba**

**2022:** Despite the freedom that the Internet appears to provide regarding information access, the Cuban Government also exerts controls over it under regulations like Decree-Law 35 and 370, known as the "whiplash law" ("ley azote"), whereby the digital domain becomes a space where freedom of public information is also restricted.

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## **Ecuador**

**2022:** Some debates on the congressional floor are worth following up. One of them is related to the bill on transparency and access to public information being drafted in the National Assembly's Committee on Transparency, Citizen Participation, and Social Order (Comisión de Transparencia, Participación Ciudadana y Control Social). Eventually, this bill will have to be further debated. Therefore, it would undergo a second debate on the Legislative's floor.

On the other hand, there are still restrictions on full access to information as there continues to be a lot of red tape in requests for official information. This is a recurring issue also mentioned in the previous Index report. Most government websites do not make all the information available, going against the same transparency standards that they demand (Chapultepec Index, 2021).

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**2020:** In any case, there are still restrictions on full access to information, especially because of the cumbersome procedures for requesting public information. The score in this realm, according to the Chapultepec Index, reached 11 points out of a maximum of 23. The country's government institutions do not abide by their own disclosure standards, which require, for example, that all public information be accessible on their websites. In practice, commentators say, not all information is posted and when something additional is required, the request for information falls into a cumbersome bureaucratic process. Similarly, there is a consensus that the public media, albeit encouraging plural contents, still tend to be used as the political arm of the sitting government.

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## El Salvador

**2022:** In the third year of President Bukele's government, actions under the LAIP are further restrictive, and the foundations are laid for criminalizing the practice of journalism and freedom of expression by setting up more hurdles on public funds oversight, as well as implementing broader pieces of legislation on the coverage of issues that call into question transparency, efficiency, and management of the current government administration.

The current Salvadoran administration has been characterized by the creation of restrictions on access to government information, statements by officials at press conferences, and low transparency. In February 2022, the Legislative Assembly prepared a list of new 5 amendments to the LAIP; however, these did not receive enough support on the congressional floor due to the political cost for the Legislative (Labrador & Lazo, 2022).

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**2021:** The system of access to public information is neutralized and inoperative. Attacks on the physical integrity of journalists, the systematic harassment of troublesome media outlets and the expulsion from the country of foreign journalists are now part of the new political dynamics.

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**2020:** The second restriction noticed is with regard to institutional guarantees of access to public information; specifically, in February 2020, with the irregular appointment by President Bukele of an advisor attached to the Ministry of the Interior to head the IAIP as a representative of the country's newspersons community. APES, the leading association of journalists nationwide, denounced having been excluded from the vetting process, in a breach of the provisions of the Law on Access to Public Information (Ley de Acceso a la Información Pública) (Sibrián, 2020). Pressure from the organized civil society, which blew the whistle on the appointment as an attempt to compromise IAIP's independence, caused the commissioner to resign less than a week after being sworn in.

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## United States



**2022:** Generally, journalists exercise their profession with few restrictions and have access to official sources. For example, with respect to White House correspondents covering President Joe Biden's administration, there have been no reports of press passes revoked, as was the case during the administration of former President Donald Trump. Notwithstanding, there were incidents in which state governors have denied journalists critical of their administration access to events.

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**2021:** U.S. citizens live in conditions where their right to express themselves and be informed is respected. There are generally few restrictions on access to information and journalists are free to write and cover news with very few obstacles.

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**2020:** There are also resources such as the Freedom of Information Act where journalists can request access to information from the federal and state governments. However, this does not automatically discourage attempts by the federal or state governments to try to limit access to information or even intimidate journalists.

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## **Guatemala**

**2022:** In addition, other types of stall tactics seeking to obstruct journalistic work persist, including the arbitrary use of bureaucratic regulations and practices to hinder or deny access to information.

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**2021:** There were also restrictions on access to public information as, for example, when at the end of August 2020, on the occasion of the presentation of the second report of the “President’s Office Commission against Corruption”, reporters were denied access to information (APG, 2020). Mayors and municipal governments were also accused of threats, physical violence, restrictions or directly blocking access to public information, prohibitions or lists of journalists allowed entry to certain public activities, among others.

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**2020:** Another important aspect to bear in mind is the way in which access to public information has been restricted during the pandemic. First, no press conferences are held anymore. Instead, presidential addresses are released in pre-recorded formats, thereby preventing journalists from looking more deeply for required information. Secondly, the whistle has been blown several times on delays in the release of public information by government agencies. This led the Human Rights Ombudsman to issue a statement, on April 10, 2020, urging institutions to comply with the deadlines set forth in the Law on Access to Public Information (Ley de Acceso a la Información Pública) (Vásquez, 2020). Finally, the information released to the media is insufficient. Since April 11, 2020, the president announced, in one of his prerecorded addresses, that only the sex and age of people testing positive for coronavirus would thereafter be disclosed, thus omitting the release of other relevant data. Therefore, although it is true that there is no explicit regulation banning free information flow, there are filters in place regarding content, approach, and access to public information.

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## **Honduras**

**2022:** One of the promises during the presidential campaign was the repeal of the "law of secrecy" [or "law on official secrets"], which concealed much of the information on public administration. (ContraCorriente, 2022). Once the current administration repeals this law, the press will have more access to news, investigations, and findings related to government activities and, consequently, corruption will be reduced and the professional practice of journalism in Honduras will be encouraged.

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**2021:** The Legislative engaged in an embarrassing dispute with the Institute of Access to Public Information (Instituto de Acceso a la Información Pública, IAIP), since IAIP ruled that it was not correct to withhold every detail of the contract. In Honduras it is unknown the pricing requirements the government is meeting to purchase the COVID-19 vaccine. Most of the population have doubts that these operations as a whole are being carried out in the best and most correct of ways.

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**2020:** The COVID-19 emergency has been a clear example of the lack of transparency at all levels in the procurement of mobile hospitals, medical supplies and protective equipment (CNN, 2020). Nevertheless, the press has managed to investigate and condemn such actions. Government information sources and the Institute of Access to Public Information (Instituto de Acceso a la Información Pública, IAIP) have not clearly accounted for every cent of government procurement, which is a clear example of manipulation, restriction, and the lack of access to accurate and timely information.

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## **Jamaica**

**2022:** Still, within Jamaica, access to government information is supported by the Access to Information legislation, which this year marks 20 years old. Journalists, however, are not satisfied with the pace at which state agencies respond to requests for information under the legislation, despite a promise by the Minister of Information in 2021 to speed up the flow.

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**2021:** Under Jamaica's Access to Information legislation enacted in 2002, the media has generally wide access to government information. However, requests from the media for information from State agencies can take a long time to be granted. It is to be noted that the Ministry of Information this year committed to responding more speedily to these requests, as well as other changes in the law.

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**2020:** The media have been free for several years, despite the occasional indications of efforts by the Executive branch to impose restrictions on access to some information. These are rejected strongly by the journalists' organization and media companies, giving the country a high level of freedom of expression.

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## **Mexico**

**2022:** The legal loopholes in terms of transparency of public information and the failure of institutions to comply with the law in force, as well as the

spiraling violence in which the country is immersed, have opened a range of possibilities for government agents to exploit for their benefit and against society's right to information, thereby compromising the health of Mexican democracy.

For example, the resort to loopholes when interpreting provisions in the Law on Transparency and Access to Public Information (Ley de Transparencia y Acceso a la Información Pública) offers a gateway to opacity by adhering to the principles of national security so as not to disseminate the execution of public spending.

The healthy democratic life of a nation requires citizens trained and informed regarding public affairs and the mechanisms of transparency and accountability that authorities must follow.

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**2020:** On the other hand, this branch of government has been the object of complaints by such representative civil society organizations as Article 19, Medios Libres (Free Media), FUNDAR Centro de Análisis e Investigación (FUNDAR Center for Analysis and Research), and the Mexican Association for the Right to Information (Asociación Mexicana de Derecho a la Información, AMEDI), among others, in demand to revise and update the General Law on Media of 2018 (Ley General de Comunicación Social de 2018). These organizations describe the above law as discretionary, far removed from the democratic principles of transparency, plurality of information, and citizens' right to know.

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## **Nicaragua**

**2022:** In the yearly survey period, 1,126 attacks on freedom of expression and the press, including restrictions on access to information, physical attacks, arbitrary arrests, stigmatizing speech, prosecutions, and abuse of power, went on record.

From 2007 to date, there have been no press briefings from government agencies and no interviews granted by government officials to independent media outlets.

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**2020:** For example, Act 621, the Law on Access to Public Information (Ley de Acceso a la Información Pública), is merely dead letter. It is enforced by no government agency. Independent journalists request information by mail or phone to exhaustion, and there is no response from officials. In the rare event of a reply, it only comes with incomplete and insufficient information.

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## **Panamá**

**2022:** This period is remarkable for the passing by the Ministry of the Presidency of Resolution No. 71 which states that the minutes, notes, files and other records or files from discussions or activities of the Cabinet Council, the President or Vice President of the Republic and the Secretary of the Cabinet Council, are restricted access information. The statement excludes those corresponding to discussions or activities related to contract approvals for a ten-year-long term (Republic of Panama, 2021).

Certain events have undermined the perception that there is full freedom of expression and information in Panama. Here we include actions by the Executive aimed at restricting access to public information such as the aforementioned Decree No. 71 Likewise, we observe the conduct of some officials such as the director of the Institute for the Training and Use of Human Resources (Instituto para la Formación y Aprovechamiento de Recursos Humanos, IFARHU), who refused to provide information in a timely manner about the money allotted by his office for scholarships and grants (Morales, 2022).

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**2021:** The amendment implemented to the Law on Transparency and Access to Public Information (Ley de Transparencia y Acceso a la Información Pública), in force since 2002, has been stalled, and the observance of the guarantees for access to public information continues to be both a demand by the citizens and a challenge for government institutions. Journalists have been assaulted while covering popular protests arising due to the economic crisis.

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**2020:** Although there is a Law of Transparency and Access to Public Information (Ley de Transparencia y Acceso a la Información Pública) in force, as well as steady progress in implementing an Open Government project, guaranteeing access to public information continues to face major challenges. [https://www.indicedechapultepec.com/2020/indice/10/informes\\_en.pdf](https://www.indicedechapultepec.com/2020/indice/10/informes_en.pdf)

## **Paraguay**

**2022:** During this period, civil society played a positive role in the signing into law of Act No. 6,919, which adjusts the regulatory framework of the sworn declaration of assets and revenue that government officials must submit when taking and leaving office. This act enshrined the public nature of these documents, after suffering a series of attempts by the political establishment at obstructing the public disclosure of these data and the efforts to decriminalize its misinterpretation (IDEA, 2022; Última Hora, 2022).

In the context of the right to public information access, data from the Unified Public Information Portal (Portal Unificado de Información Pública) show that there still remains a slight trend in the use of this right. During the period covered by this report, 13,146 requests representing 74.5% of favorable responses were recorded. For the remaining cases there was silence, untimely responses, unattended or attended out of time reassessments, absence of information, among others (Portal Unificado de Información Pública, unsourced). When it comes to the quality of the responses in terms of access to information, a negative pattern continues: there are serious difficulties when accessing relevant information to verify data during journalistic investigations.

During the this report's surveyed period, some legal actions were filed with the purpose of obtaining public information. According to data from the Supreme Court of Justice website (Corte Suprema de Justicia - Poder Judicial, unsourced), between August 2021 and August 2022, at least 19 court cases were filed in order to obtain access to public information. This represents a slight decrease with respect to the number of cases filed in the 2020-2021 period (namely, 24 4 cases).

[https://www.indicedechapultepec.com/indice/7/informes\\_en.pdf](https://www.indicedechapultepec.com/indice/7/informes_en.pdf)

**2021:** The exercise of the right to access public information has increased, as well as the number of actions from the Judiciary for favorable responses. A negative pattern persists in terms of quality of the responses provided by the enforcers of this right, as well as different obstacles to provide accurate and consistent information. Likewise, there was a dangerously secretive context about the country's two most important binational entities in charge of managing top priority interests of the State and soaring budgets.

<https://www.indicedechapultepec.com/2021/indice/7/informes.pdf>

**2020:** In spite of the above scenario, his government is besieged by numerous complaints of alleged acts of corruption and secrecy. In turn, the right of access to public information has been curtailed, since there persists a pattern showing a high rate of unattended and/or poorly replied queries.

[https://www.indicedechapultepec.com/2020/indice/7/informes\\_en.pdf](https://www.indicedechapultepec.com/2020/indice/7/informes_en.pdf)

## **Perú**

**2022:** 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.

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**2021:** During the pandemic, and in the period surveyed, the greatest difficulties between the press and the Legislature stemmed from certain restrictions on access to information. However, in general, the degree of influence was lesser than in the previous period. Even a certain section of the press was part of a campaign to broadcast news and alleged evidence that allowed the Legislative to impeach President Vizcarra in November 2020 (Cuarto Poder, 2020; Mella, 2020).

<https://www.indicedechapultepec.com/2021/indice/6/informes.pdf>

**2020:** There is a sense of appropriate access to information, although there have been cases when some offices of the legislative or executive branches have been opaque in granting access to [information on] certain expenditures or the use of certain funds. As part of the initiative to establish entities

addressing access to public information as of 2018 – albeit with limited progress last year, information websites facilitate access to allocation of funds and awarding of contracts in most cases.

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### **Dominican Republic**

**2020:** On September 10, 2019, journalist Nuria Piera unveiled Executive Order 290-19, whereby Ingrid Jorge, a young woman from the entertainment world, daughter of a TV host known by the moniker La Tora (The She-Bull [sic]), was appointed first secretary at the Dominican Embassy in the United Arab Emirates. Piera denounced that the executive order had not been released to the media on the WhatsApp chat group used by the DICOM for briefing the press daily. It was under the General Law of Free Access to Public Information (Ley General de Libre Acceso a la Información Pública) that she was able to obtain the document, through the Advisory Office (Consultoría) of the Executive branch. After the executive order became known, Piera posted that she had received threats against her daughter from La Tora for making the above appointment public (N Digital, 2019).

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### **Uruguay**

**2022:** In the Eighth CAinfo Monitoring and Threats Report (8.º informe de Monitoreo y Amenazas) of 2021, 69 instances of threats or restrictions on freedom of expression went on record. Of the total number of cases on record, 22 correspond to government agencies for noncompliance with active and passive transparency or for refusal, partial, incomplete disclosure, or omission. The main cause of obstruction to freedom of expression in the country for a number of instances on record continues to be –as in previous reports– access to official sources in reason of significant numbers of non-compliance of the offices bound by Law 18381 on the right of access to public information in both active transparency (released information) and passive transparency (responses to requests for access). The new finding in this period is that it increasingly consists of lawsuits and harassment of journalists by some government officials.



The limitations on access to public information by citizens are mostly attributed to different problems of government agencies to fulfill this duty. The report to March 2021 of the Access to Public Information Unit (Unidad de Acceso a la Información Pública, UAIP), indicates that the legally bound agencies received 5,230 requests for information (3,288 more than in the previous year); of this total, 4,678 were replied and 69 expired without a reply. Of the 5,230 requests, 3,600 were replied within the period established by law (20 days) and 167 were denied for reasons of lack of information, the rest denied as secret, confidential, or classified items.

Similarly, the results of the Active Transparency Index Online (Transparencia Activa en Línea, ITAeL) Report 2021 point to a break in the overall upward trend compared to the last report in 2017; we notice that the level of overall compliance is low, which means that 56% of bodies bound by law fail to publish more than 40% of the information on their websites, and only 2% of them perform at high levels of compliance, demonstrating the country's inability to assert the right of access to public information 14 years after the enactment of the law.

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**2021:** There is little clarity in the rules for the allocation of official advertising; some obstacles in the level of compliance with access to public information; and a new draft of the guidelines, subject to parliamentary discussion at the moment, which promises changes in aspects related to freedom of expression developed in this report.

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**2020:** ... some obstacles regarding compliance with access to public information, tax provisions that disregard differences between the realities faced by the media in the capital city and across inland regions of the country, and a draft bill for a new Media Law, currently under discussion in the General Assembly, that promises changes in aspects related to freedom of expression are detailed herein.

[https://www.indicedechapultepec.com/2020/indice/4/informes\\_en.pdf](https://www.indicedechapultepec.com/2020/indice/4/informes_en.pdf)

## **Venezuela**

**2022:** To this arsenal of laws that, instead of enabling, obstruct communicational rights, another one was added in the period under study, the Law on Access to Public Information (Ley de Acceso a la Información Pública), enacted on September 17, 2021.

The Venezuela's Press and Society Institute (Instituto de Prensa y Sociedad Venezuela, IPYS Venezuela) challenges the provisions of the above piece of legislation. Among other issues, it points out the vagueness of the rules on exceptions set forth in Article 7 thereof, which would violate the principle of legality (principle of Public Law whereby power should be subject to the will of the Law and not to the will of persons), by allowing arbitrary or abusive enforcement or interpretation of said rules:

“The regulated entities may, by means of a reasoned decision, exempt themselves from providing information when access to it could generate a threat or violation to human rights, public health, public order, the overall defense of the Nation or the normal development of the socioeconomic system of the Republic.” [Law on Access to Public Information, Article 7]  
No provision in this law, according to IPYS Venezuela, establishes the principle of active transparency, that is, the one guaranteeing that officials shall release general interest information and provide maximum access to such data. What the law does establish are conditions that, instead of facilitating, obstruct requests for information, by providing that applicants must identify themselves and state in writing the reasons that lead them to make any requests (IPYS Venezuela, 2022).

A UNESCO study, released on the celebration of the International Day for Universal Access to Information, September 28, 2022, details that restrictions on this guiding principle of transparency affected more than 50 media workers, while the report of IPYS Venezuela totaled 45 formal requests for information not addressed by the government last year.

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**2021:** The immediate past to this period has, as its main background, the actions by the Executive and Judicial branches against journalists and independent press since the arrival of the coronavirus in the country. In 2020, COVID-19 brought restrictions over access to information, and measures against the independent dissemination of information related to the virus.

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**2020:** In Venezuela, not only does the Government deny access to public information, banning locations by deploying troops, but it also perpetuates opacity by preventing certain kinds of coverage so that journalists cannot get to gather downstream information. Out of 10 possible points at the positive end in this realm, the score from sample respondents for institutional action regarding conditions of the exercise of journalism in the country was very low: 1.8 points. An example of why the rating is meager in this regard was the events on March 9, 2020 involving journalist Karen Aranguíbel, who was videoing a protest by citizens demanding that spots in fuel supply lines be respected. She was harassed by Military Counterintelligence Bureau (Dirección de Contrainteligencia Militar) and Bolivarian National Guard (Guardia Nacional Bolivariana) officers, as well as by civilians, who even physically attacked her (EVTV Miami, 2020).

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