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Media Concentration Threatens Press Freedom in Peru

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Peruvians have been debating the danger that media concentration poses to democracy and free expression for nearly eight months. The announcement on Aug. 23, 2013, that Grupo El Comercio would buy 54% of the stock of Empresa Periodística Nacional (Epensa), a company that owns four dailies, sparked the debate. The acquisition would give the Comercio media company control of 78% of daily newspaper sales and 77% of the advertising market. Before the sale, it operated 49% of Peruvian print media.

Writing in the daily La Primera, Alberto Adrianzén, a political analyst and member of the Parlamento Andino, said, "One shouldn't fear a public debate on media concentration and the need for new media regulations via an independent body or on respect for the role the media has in a democracy to guarantee freedom of the press, expression, information, citizen and journalist rights, but above all, to strengthen and deepen democracy."

In addition to being the biggest media conglomerate in the country—it also owns stock in broadcast outlets—with an editorial and informative line noted for a strict defense of neoliberal policies, El Comercio is an key economic force. It has interest in several other sectors such as construction, airlines, and education, and its companies have major government contracts.

Grupo La República, which had also tried to acquire a majority share of Epensa, was the first to warn that El Comercio’s acquisition constitutes a concentration of resources and a threat to freedom of expression. La República owns 16% of Peru’s daily papers.

Although some observers noted that Grupo La República’s position is related to its frustration at not being able to buy Epensa, it is true that many others see the events as a threat to plurality of views and information and, thus, an attack on democracy. Last November, eight journalists, including La República director Gustavo Mohme Seminario, sued to annul Grupo El Comercio’s purchase of Epensa, claiming it constitutes media concentration prohibited by Peru’s Constitution. The suit was filed with the Juzgado Constitucional of the Corte Superior de Justicia of Lima.

Article 61 of the Constitution says that the state must combat all practices that limit free competition and the abuse of monopolies or dominant positions. Specifically, it says, "Press, radio, television, and other media for expression and social communication, and, in general, the firms and goods and services related to freedom of expression and communication cannot be directly or indirectly exclusive, monopolistic, or accumulative by the government or private parties."

In January, Judge Lizy Béjar of Lima’s Cuarto Juzgado Constitucional agreed to hear the case.

Grupo El Comercio attributes its high percentage of print media to its efficiency in developing innovative information products, such as the dailies Trome, Perú 21, and Depor. It also said its media ownership is not exclusive. A Jan. 5 editorial in El Comercio, the group’s flagship publication with its largest circulation, stated, "Not in vain do our dailies operate in a market in which—unlike what happens in radio and television where there are a limited number of frequencies—the door is always open for the arrival of a competitor."
Less competition

"When a press organ beats out its competitors and becomes the owner and master of information, it becomes as cacophonous as the state-owned press and thus freedom of information and thoughtful review deteriorate, and freedom itself is in danger of disappearing," Mario Vargas Llosa, a Nobel Prize recipient and former presidential candidate, wrote in his column in La República’s Sunday supplement.

Similar statements came from various communications organizations such as the Asociación Nacional de Periodistas (ANP), the Coordinadora Nacional de Radio (CNR), the World Association for Christian Communication (WACC-América Latina), which all published a document titled "Without communication, there are no rights." The document indicates the current scenario "fosters the hegemony of ideas and limits the plurality of opinions, forcing a national public agenda on citizens that does not reflect the country’s reality, thus seriously impacting democracy and governability."

In an interview with La República, César Landa, former Tribunal Constitutional president and current dean of the Pontificia Universidad Católica del Perú’s law school, recalled that in the 1990s acquisition of publishing houses and communication media created a media monopoly or illegal control of the press in Peru. An example of how such media concentration makes unilateral treatment of reality possible, Landa said, is that El Comercio didn’t mention its purchase of Epensa until the topic came up at the Inter American Press Association (IAPA). That, he said, "makes it clear that there are topics that aren’t public information despite being topics of public interest."

"What should be considered front-page news did not appear in any of Grupo El Comercio’s dailies" last January when Judge Béjar issued the injunction against media concentration in Peru, said journalist Enrique Zileri, director of Caretas magazine and leader of the group of journalists filing the suit.

For journalist Gustavo Gorriti, said the political-analysis magazine Otra Mirada, the fierce attack that then presidential candidate Ollanta Humala suffered in the 2011 elections (NotiSur, March 18, 2011) when right-leaning newspapers united in a misinformation and slander campaign raised an alarm about the danger of media concentration for a democracy and the necessity to regulate this situation.

Self-regulation or government regulation?

The controversy about media concentration is divided between those who argue for the need for media regulation and those who oppose press laws and support self-regulation.

Landa said that, "without a law, whatever is not prohibited is permitted." A group, a person could have not just 78% but up to 100% of the media, he added. He also emphasized it is important to establish certain basic principles for parameters of proper conduct. Those who support a press law and don’t accept the idea of self-regulation cite the experience the country lived in the 1990s when the former dictator Alberto Fujimori (1990-2000) bought media outlets and used them against his political enemies.

"Let’s be clear that, when we talk about regulation, we’re not referring to the regulation of content. We’re talking about controlling the market as is done in radio and television where one person can’t
own more than 40% of the spectrum," ANP secretary-general Zuliana Láinez said, according to a Jan. 23 report in La República.

President Humala’s position—that it is "shameful" that one group can own practically all communication media, that the Grupo El Comercio-Epensa operation "is not illegal at this time," and that congressional intervention is needed—threw more fuel on the fire.

For some, resolution of the problem should be in the hands of the judiciary; for others, Congress should take legislative action.

The Confederación Nacional de Instituciones Empresariales Privadas (CONFIEP) issued a statement saying, "Under the rule of law, the judiciary should resolve the problem rather than having the legislature dictate laws to order with unclear objectives that threaten private property, free enterprise, and, in this case, freedom of expression."

Vargas Llosa and the journalists calling for the injunction say that media can regulate themselves and should not be subject to political control such as that of the legislative or executive branch of government.

"If a law is created, it will have a political slant and that would be fatal. It can seem to be state intervention and this isn’t right," Zileri said.

In January, Deputy Manuel Dammert of the Acción Popular-Frente Amplio (AP-FA) bloc said that his group would promote four public hearings that would include media representatives, specialists, and civil society to create "in a broad and plural manner" an initiative on print media and the case of cross ownership of both print and broadcast outlets.

The first two hearings took place in February and March; the April hearing is to look at freedom of expression and democratic will; and the final one will bring together the conclusions reached at the prior encounters. Based on these conclusions, his party will draw up a bill on media concentration.

"That power that is not legislated affects democratic institutions in such a way that, in the next municipal, regional, and presidential elections, the key goal of this concentration will be to give victory to someone sharing the same political orientation," Dammert said. He added that for this reason his party has accepted its constitutional responsibility to create pertinent legislation.

Elections for regional presidents and provincial and district mayors are scheduled for Oct. 5; general elections for president, vice president, and national deputies for the 2016-2021 period take place in April 2015.

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