

The Lima Principles of the Press Council of Peru

Developed over the year 2000 by the Consejo de la Prensa Peruana in association with the Defensoría del Pueblo (Ombudsman's Office) and Article 19, approved on 16 November.

Prologue

Access to state information is a fundamental right in a democratic society. It must be ensured for all citizens without distinction, as it provides the basic foundation for their citizenship.

Every citizen must be in a condition to accede directly or through journalistic means to this information, and all state organisms are obliged to supply it.

The respect of this right is an essential part of good government, since informed citizens are able to scrutinise the actions of their representatives and participate adequately in public debate.

In reality, all state information is property of its citizens, and any restrictions on its circulation, applied for reasons of national security or to protect the privacy of individuals, must be exceptional in character, justified by specific reasons, and interpreted in narrow terms.

Nevertheless in Latin America, many governments that do not necessarily rate as dictatorial or authoritarian practice the culture of secrecy as a structural form of their exercise of power. It is traditional to attribute a vast and wide range of ambiguous definitions to the concept of national security, so that in practice, access to essential issues of public interest is impeded.

This practice often trickles down to the most modest levels of municipal administration or social services, seriously affecting the rights of the citizen and constituting in itself one of the principal impediments to press freedom.

Preamble

AFFIRMING that the individual right to freedom of expression and access to information are fundamental to the existence of all democratic societies and essential for the progress, welfare and enjoyment of all other human rights.

RECOGNISING that these are inherent rights, neither granted nor conferred by the State, that the State cannot disregard them, and that their protection is essential.

RECALLING that the International and Regional Instruments which guarantee and protect these fundamental rights impose on States the obligation not only to observe but to promote universal and effective respect for human rights.

RECOGNISING the important initiatives adopted by civil society bring these rights into effect, particularly the Chapultepec Declaration, the Declaration of Principles on Freedom of Expression of the Inter American Commission on Human Rights, and the Johannesburg Principles.

WELCOMING the important efforts being made by the Special Rapporteurs on Freedom of Expression at the United Nations and the Organisation of American States to promote and protect freedom of expression and the right to information.

STATING that is essential that people have access to information held by the State in order to ensure the accountability of government and to allow people full participation in a democratic society and to guarantee their enjoyment of other

PERU

human rights.

CONSIDERING that transparency of information reduces the possibility of abuse of power. Freedom of information in the context of democratic transition can contribute to guaranteeing truth, justice and reconciliation. Lack of information adds to the difficulty of transition and reduces its credibility.

REITERATING that issues of national security never justify violations of human rights. Any restrictions on freedom of expression and access to information can only be allowed under the exceptional limitations set out in these principles.

WE PRESENT the following principles and urge all authorities officials and persons at the local, national, regional and international levels to commit themselves to adopt the necessary measures to promote the dissemination, acceptance and en-forcement of these principles.

Principles

1. Access to information as an individual right

Every person has the right to be free to search for, receive, have access to and disseminate information without being subject to interference by public authorities, prior censorship, or to indirect restrictions due to the abuse of official control. There is no obligation on the individual to justify any request for information in order to exercise this right. Access to information is both an individual right and necessary for a democratic society. The right covers both those who actively seek information as well as those who expect to receive information through the media as well as official channels.

2. Access to information

Every person has the right to ensure accountability in the work of the public administration, the powers of the State in general and of public service companies. In order to carry out this task effectively, people require access to information held by the authorities. Authorities must be legally required to make the information available to people in a timely and complete manner. It is the government's responsibility to create and maintain public records in a serious and professional manner so that the right to information can be effectively exercised. Records should not be arbitrarily destroyed. This, in turn, requires a public policy which preserves and develops a corporate memory within the institutions of government.

3. Transparency and development

Access to information is essential for scrutiny and for adequate debate on government action, conditions essential not only for transparency on government actions and administration, but to avoid corruption and other abuse of power. This right permits people to participate in public affairs, in decision making and, more generally, allows for the identification of public servants responsibilities; the objective evaluation of facts and the forming of opinion in order to increase participation in the political, economic, social and cultural life of the country.

4. The authorities' obligations

Information belongs to the citizens. Information is not the property of the State and governments are obliged to grant access to information; government holds information only in its role as representative of its citizens.

The State and public service companies are committed to respect and guarantee access to information to all individuals and to adopt the necessary legislative or other means to promote the respect for this right and to ensure its effective recognition and enforcement. It is the State's obligation to act with due diligence in promoting access to information; identifying those who should provide information; preventing actions which deny its disclosure; sanctioning those who contravene it, and in promoting a culture of openness.

5. Journalism and access to information

Governments are obliged to guarantee and respect the exercise of journalism and freedom of the media. In furtherance of the individual's right to information, journalists must be guaranteed conditions and facilities to access information and have the right to disseminate it in the exercise of their profession. Officials who interfere shall be subject to sanctions.

6. Protection of journalist's sources

No journalist should be compelled by a judicial or other public authority to reveal his or her sources of information including the content of notes or personal or professional files.

7. Legislation on access to information

Laws, rules or regulations developing the right to access to information must specify that every person is entitled to this right and to guarantee the maximum transparency; that the information be presented in the format requested by the applicant or in its original format; that the costs of the search, subsequent processes and transmission of the information will be assumed by the applicant by paying a fee which should not exceed the cost of the service; that the deadline for information to be disclosed should be reasonable and timely.

8. Exceptions to the right of access to information

The exceptions to access to information may be legitimately regulated only by the constitution and by law in accordance with the principles of a democratic society and only where these regulations are needed to protect a legitimate national security interest or the individual's legitimate right to privacy. It will not be possible to maintain secret information under the protection of unpublished regulations. Any person or official who denies access to information will have to justify its denial by means of a written reply and to demonstrate that it is included within the restricted categories of exceptions. If requested by an individual party, an impartial and competent authority should review such a denial and may order the reliefs of information.

The withholding of information under the aegis of a broad and imprecise definition of national security is unacceptable. Any restrictions on the grounds of national security will be only be valid when orientated to protect the territorial integrity of the country and in the exceptional circumstances of extreme violence that threatens the imminent collapse of the democratic order. Any restrictions based on grounds of national security are not legitimate if their purpose is to protect the government's interests rather than those of society as a whole.

Privacy laws may not inhibit or restrict investigation and dissemination of any information in the public interest.

The law, having defined specified categories of classified information shall establish reasonable deadlines and procedures for declassification as soon as the national security interest allows. In no case may information be indefinitely classified.

9. Protection of whistleblowers

Any public servant or other person may not be subjected to any sanction for the disclosure of information, even if classified or restricted as above, if the public interest in knowing the information outweighs the consequences of disclosure. In these cases the individual may benefit from special protection.

10. Legal protection of the right of access to information

The autonomy and independence of the judiciary is fundamental to guaranteeing the right of access to public information. In cases where there is a denial by the authorities or officials to disclose information or restrictions to its exercise, prompt and brief judicial action is indispensable to protect this right and to generate public confidence and transparency in the exercise of power. Added to these judicial mechanisms of protection is the right to petition other

institutions such as the Ombudsman's office and other supranational bodies established to protect this and other rights.

Any existing regulations which contravene these principles should be abolished.

Fonte: http://www.presswise.org.uk/display_page.php?id=546

Code of Professional Ethics

Adopted by the Journalists' Association of Peru, 1980.

Chapter I, General Norms

Art. 1: It is the obligation of the members to proceed in all their acts with honour, being concerned with the dignity of persons and institutions and their personal prestige and professional decorum.

Art. 2: The Code of Professional Ethics demands from the journalist the honest exercise of the profession and imposes norms to be observed in relation with society, colleagues, and mass media.

Art. 3: The members must observe the norms of this Code of Professional Ethics. The violations to it will be reported and sanctioned in conformity with the Statute for being considered indignant acts.

Chapter II, Acts against the profession

Art 4: Acts contrary to professional ethics are:

- a. To accept any kind of reward which compromises information or opinion;
- b. To commit intentional crimes are judicially punished;
- c. To use, intentionally and voluntarily, false documents;
- d. To disseminate intentionally false news;
- e. To distort the truth and to adulterate it by suppressing essential facts to its understanding;
- f. To provide false information without prior assurance of its truthfulness or authenticity, either with bad faith or by negligence; and
- g. To denaturalise the journalistic profession by representation and/or texts which constitute an attempt against public morality, the dignity of persons and institutions, the national interests, and the symbols of the nation.

Chapter III, Relations with colleagues

Art. 5: Acts contrary to professional ethics are:

- a. To plagiarise information, by not citing the source from where the news or commentary is being reproduced;
- b. To attribute or impute to oneself ideas or documents of which one is not the author;
- c. To aggrieve directly or indirectly the professional reputation or situation of another journalist, as well as to denigrate him/her with personal attacks or to attribute to him/her evil interests or goals.
- d. To abandon other journalists who suffer persecution, exile, or jail because of their ideas, and to allow or contribute to injustices against other journalists to be committed.

Chapter IV, Relations with society

Art. 6: Acts against professional ethics are:

- a. To attempt restriction against freedom of thought and expression;
- b. To allow unawareness of human rights violations;
- c. To allow unawareness of situations which endanger or threaten life and health;
- d. To violate the right of privacy of persons;
- e. To attempt restriction against the protection that family, the child, and the young deserve; and
- f. Not to keep a professional secret or to use it for the benefit of others.

Chapter V, Relations with the media

Art. 7: Acts against professional ethics are:

- a. To reveal reserved matters of the medium where he/she works;
- b. To disseminate information and opinions, for the benefit of oneself or others, without the knowledge

of the medium and receiving retribution (remuneration?) for it;
c. To accept honorarium or salary below the established minimum.

Chapter VI, Duties of the Association

Art. 8: It is the duty of the journalist to offer his/her personal collaboration for the better accomplishment of the goals of the Association. The tasks and commissions entrusted to him/her should be accepted unless duly justified causes prevent him/her.

Chapter VII, Scope and observance of the Code

Art. 9: The norms of this Code apply to the exercise of the profession and no circumstance will excuse the membership from its observance.

Fonte: http://www.presswise.org.uk/display_page.php?id=251

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