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PRESS FREEDOM IN CENTRALAMERICA

Press freedom in the region of the Americas has declined more than in any other region in the world, according to a series of worldwide studies conducted annually by Freedom House since '80. In the past four years the percentage of countries in the Americas that enjoy a "Free Press" fell from 60% to 49%.

Today, only two of the seven Central American countries are considered by Freedom House to have a "Free Press," Belize and Costa Rica, whereas the other nations of the region (Guatemala, Honduras, El Salvador, Nicaragua and Panama) are categorized as "Partly Free."

The *Freedom of the Press 2006* report, conducted between 1 Jan and 31 Dec '05, ranked each country's "press freedom" based on responses to a set of 23 questions divided into three sub-categories. The methodology of assigning numerical points allows for comparative analysis among the 194 countries surveyed and facilitates an examination of trends over time, 0 being the best and 100 being the worst. Issues considered in the awarding of points for each country's media freeness were the legal, political and economic environment, focusing on such things as the penal code, access to information and censorship. The ranking assigned to each country for the free flow of news and information determines its classification: 0 to 30 "Free," 31 to 60 "Partly Free," and 61 to 100 "Not Free" (source: Freedom House).

There are several factors that have contributed to the limitation of press freedom in Central America where the legal environment treats *desacatos* (contempt, libel and defamation of political figures) as serious crimes with severe repercussions, which undermines a free press. Most Central American journalists are plagued by these harsh laws, forcing them to self censor for fear of heavy fines or jail sentences.

Likewise, investigating corruption, narco-trafficking, or other illegal activities in connection with the government or organized crime can lead to death threats, beatings or worse. Journalists are the eyes and ears of the public and can pose a danger by giving witness to illegal or embarrassing events. In many Central American countries, journalists feel threatened or pressured not to write certain stories for fear of losing their jobs or even their lives.

Another issue influencing the content of Central American news is media ownership and advertising. Most TV stations and newspapers rely on government and business advertising to keep them afloat, which effectively limits the amount of criticism the media are willing to publish about their advertisers.

Limited access to information is another way the government limits freedom of the press, and the low pay for journalists leaves them vulnerable to corruption.

Although many improvements have been made since the '80s when authoritarian governments were the order of the day, the Central American region is still lacking in the area of press freedom.

Guatemala

Guatemala tends to finish last on every international survey or list dealing with press freedom. The *Freedom of the Press 2006* report by Freedom House ranked Guatemala No. 31, "Partly Free."

Two articles of the Guatemalan Penal Code were protested this year by the National Journalism Institute's (NJI) president, Mario Fuentes Destarac, because they called for "between one and three years imprisonment for offending the head of a state body and between six months and two years for defaming a public body or official." The NJI viewed these articles as unconstitutional, and in Feb '06 the Constitutional Court agreed, by stating that their articles contradicted the Constitution, which provides "that freedom of expression must not be curbed by laws or regulations." While limiting jail time for libel and defamation, in '06 the Executive Branch passed new and vague regulations on access to government information.

Despite advances made on paper, journalists are still victims of physical assaults, death threats and assassinations. According to the Committee to Protect Journalists (CPJ), the majority of these attacks are carried out by soldiers, police officers, private security agents and paramilitaries left over from the civil war. These personal safety concerns lead to self-censorship and a lack of accurate reporting.

Journalists reporting on issues such as corruption, illegal police actions, and labor or land disputes are the most common targets in Guatemala. In '06, Radio Punto correspondent Eduardo Maas Bol was shot dead in his car while driving in northern Guatemala. A few days later another radio correspondent received threats that he was "next on the list." An assassination attempt was made on an independent reporter from Radio 10. The reporter survived but the assailants broke his jaw. The day before the attack the station owner's life was threatened because of the station's investigation of tax evaders. The director and founder of Radio 10, Oscar Rodolfo Castañeda, who fled the country after receiving death threats, stated that his radio station is constantly harassed by the courts for "illegal broadcasting," which he says is a "campaign to stop his investigations and keep the media in the hands of the country's oligarchy." Radio 10 has a long history of reporting on human rights violations and corrupt officials.

Community radio stations are another area of concern in Guatemala. According to the '96 Guatemalan Peace Accords, the government agreed to legalize low-power radio stations to guarantee diversity in the Guatemalan media. These radio stations are usually run by volunteers and only reach an audience within a 2.5-mile radius. However, they provide the only access to information for individuals in rural Guatemala where literacy rates are low and the majority of the population is Indigenous. Current Guatemalan law requires a \$27,000 license registration fee, which is out of reach for everyone without outside funding in a country where 30% of the population lives on less than \$1 a day. Only about 250 of the 2,750 community radio stations are legally registered, leaving the rest vulnerable to government harassment and threats of being shut down. The proposed law to legalize and regulate these stations is currently gathering dust in Congress.

The limited ownership of the media outlets makes it easier for government authorities to exert pressure on the media. Most of the media sources are owned by business elites with centrist or conservative editorial leanings, which effectively eliminates criticism of big business practices.

Belize

Although, Freedom House's '06 annual report considered Belize to have a "Free Press" with a score of 10, several areas were in need of improvement.

The penal code forbids citizens to question the financial disclosure statements of public officials. Anyone who questions these statements, verbally or in writing, could be fined up to \$2,500, face jail sentences of up to three years, or both.

Belizeans' overall access to information is hindered by the absence of daily newspapers; only weekly papers are published. All newspapers are privately owned, and two are politically affiliated. Although the range of opinion available through newspapers is wide, the Constitution permits government authorities to make "reasonable revisions" to the content of reports in the interest of "defense, public safety, public order, public morality or public health." Though this right has not been exercised in the past few years, the Belizean Broadcasting Authority has the right to preview and censor broadcasts, removing all "libelous" material relating to governmental issues.

Despite these areas of concern, the International Press Institution stated that the Belizean media are generally allowed to operate freely, including routine criticism of the government.

Honduras

The *Freedom of the Press 2006* report by Freedom House ranked Honduras No. 24, "Partly Free." Most of the mainstream media in Honduras are dependent on private and government investment for operating income. In this way many big businesses are protected from criticism. Élan Reyes Pineda, President of the Journalist Association in Honduras, stated that journalists are limited because "it is private investment that has developed the media. Without the money and technology given by these companies and entrepreneurs, the Honduran press wouldn't be nearly as big as it is today." Journalists criticizing funding sources are often fired due to pressure put on the people in charge (source: Honduras This Week).

In May '06 the Supreme Court banned the 2-4 year jail terms that accompanied contempt convictions for journalists in Honduras. But despite the changes made on paper, journalists reporting on drug trafficking, human rights abuses and corrupt officials are still being found in violation of other law relating to *desacato* or contempt.

Death threats and assassination attempts are common practices when reporters expose organized crime and political corruption. In Apr '06, Romualdo Bueso Melghem, vice-president of the legislative commission for ethnic minorities, stormed into a meeting of the Civic Council of Popular and Indigenous Organizations of Honduras where he attempted to strangle Indigenous reporter Martha Vásquez while verbally attacking her with racial insults. Bueso, a member of the Liberal Party, has not been punished for his behavior. More recently, in Feb '07, several reporters of the daily newspaper *La Tribuna* received death threats for their investigative work on irregularities in the social security institute.

El Salvador

The *Freedom of the Press 2006* report by Freedom House ranked El Salvador No. 24, "Partly Free." Salvadoran journalists are generally allowed to report freely, even to criticize the government and opposition parties. It is the absence of a freedom of information law, however, that limits access to information needed for such reporting. In cases that deal with public interest or national security,

judges have the right to deny access to information. Furthermore, despite a few improvements to the criminal code for journalists in '04, defamation remains a crime and journalists are frequently charged, which raises the instances of self-censorship.

Journalists are generally safe to report in El Salvador, but there has been an increase in physical attacks and death threats against them. In '05 more than 10 journalists were attacked by rioters and police officials alike while covering stories.

Print and broadcast media are mostly privately owned, although there are several independent and publicly-owned news sources.

In '03, TV Doce's program *Sin Censurar* (Uncensored) was taken off the air with no explanation. The program was known for its outspoken criticism of the administration of President Francisco Flores at the time and was even victim of an advertising embargo by the government and big businesses. The Salvadoran NGO, Journalists Against Corruption, spoke out against the administration of TV Doce for "not openly denouncing the groups that use economic or political pressure to influence program content." Due to these pressures, access to unbiased information in El Salvador is a challenge (International Freedom of Expression Exchange).

Nicaragua

The *Freedom of the Press 2006* report by Freedom House ranked Nicaragua No. 26, "Partly Free."

Under the administration of President Enrique Bolaños from '02 to '07, press freedom was respected, and criticism and diverse opinions were tolerated. However, it is too early to judge whether the new administration of President Daniel Ortega will be so accepting of criticism. Ortega and the leading daily newspaper, *La Prensa*, are long-time enemies due to Ortega's heavy censorship and closing of the newspaper in the '80s under the previous Sandinista administration.

The primary factor causing self-censorship in Nicaragua is threats from narco-traffickers and corrupt politicians, especially in rural regions. In '05, Rony Adolfo Olivas, a journalist for *La Prensa*, was killed shortly after writing an article on drug trafficking in Nicaragua. Adolfo was the third journalist to be killed in a two-year period.

While television and newspapers are available, radio stations serve as the population's main access to information. The Chamorro family continues to have a monopoly on newspapers, while the Sacas family dominates the television industry. And all Nicaraguan media, despite ownership, are heavily reliant on revenues from government advertising to keep them in business.

Costa Rica

The *Freedom of the Press 2006* report by Freedom House ranked Costa Rica No. 6, "Free Press."

Costa Rica has always been considered to have one of the freest media in the Americas. But, like its neighbors, it has harsh defamation and libel laws, with prison sentences of as much as three years for insulting a public official. In '05, the Institute of the Press and Freedom of Expression was created in an attempt to "limit the effects of defamation laws and to promote and facilitate freedom of expression." But little progress has been made in reducing these sentences and the issue has been in review since '04.

Article 24 of the Constitution guarantees freedom of communication but at the same time reserves the government's right to seize private documents. Access to information is high, with several daily newspapers in circulation and over 25% of the population with Internet access, although radio is the most common way that Costa Ricans receive information.

On the darker side, the '01 killing of radio journalist Parmenio Medina remains unsolved, sending a negative message to journalists. While Medina remains the first and only news journalist murdered in Costa Rica, several shots have been fired at the *La Nacion* facilities in San Jose on more than one occasion. Although no one has been harmed in those shootings, Costa Ricans, as well as national and international journalists, are hoping that violence against reporters does not represent an emerging trend.

Panama

The *Freedom of the Press 2006* report by Freedom House ranked Panama No. 24, "Partly Free." Panama is known for its harsh laws affecting journalists. Heavy fines and long jail sentences are imposed on journalists found guilty of defamation and libel. In July of '05, a Supreme Court judge found a reporter from *La Prensa* guilty of libel and fined him \$18,753, which was obtained through confiscating private property and withholding his salary. Some journalists have found themselves facing fines of up to \$2 million. As a result, many journalists practice self-censorship.

President Martin Torrijos has been working to improve Panama's reputation in this area by doing away with contempt laws. Torrijos approved reforms that "prohibit prosecution for contempt and set out provisions governing the right to clarification and reply," and approved several other provisions granting more freedom to journalists (source: Freedom House). Unfortunately, articles 307 and 308 of the criminal code contain wording similar to the contempt laws.

Panama has a large and active independent media with a wide variety of views, and the media does a fairly good job of presenting all sides of the polarized political scene.

Conclusion

Free media are essential to transparent, healthy, stable and accountable democracies. Journalists who are allowed to obtain information and report on it freely can serve a valuable role as a watchdog, not only of the government but of other organizations and of the media itself. For this to transpire, journalists must have access to information and feel safe enough to report on it. For Central America this means that most countries have to change laws that broadly interpret libel and impose heavy monetary and prison sentences on those found guilty, change laws that limit access to information, apprehend and punish those who threaten or harm journalists or media owners, and support and encourage an independent media.

—Stephanie Luckam

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