



PERSECUTION AND PROSECUTION: JOURNALISTS UNDER THREAT IN LATIN AMERICA

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“Threats to Press Freedom in the Americas”

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Introduction

Chairman Duncan, Ranking Member Sires, distinguished members of the committee: it is an honor to testify before you on the state of press freedom in Latin America. I ask that my full testimony be submitted for the record. I'll briefly summarize the work of Freedom House; the current landscape for press freedom in Latin America—which today faces a more severe and diverse set of challenges than at any point the last five years; and I'll provide some concrete recommendations for policymakers, who we believe should more actively engage the region's governments, civil society, and multilateral institutions in promoting press freedom as a fundamental pillar of democracy.

The Work of Freedom House

Founded in 1941, Freedom House promotes freedom and democracy around the world through a unique combination of research, programming, and advocacy. Our annual *Freedom of the Press* report assesses the legal, political, and economic factors impacting the degree of print, broadcast, and internet freedom in 199 countries and territories, assigning numerical rankings that correspond to classifications of each country's media as "Free," "Partly Free," or "Not Free."

We also carry out in-country programs. Since 2011 we have trained 1300 journalists in Mexico in digital security and professional skills. We work with local governments to establish structures that better protect journalists and human rights defenders. We are providing the Mexican government technical assistance for the Federal Protection Mechanism for Journalists and Human Rights Defenders and have trained more than 300 government officials on journalist protection strategies. In Venezuela and Ecuador we have supported the efforts of local civil society organizations to push back against restrictive media laws and document cases of persecution of media outlets and journalists. We also provide journalists and bloggers who come under threat with emergency medical, legal, security and humanitarian assistance, and relocation to safer areas. In Latin America, we have assisted with over 120 requests for protection from at-risk journalists in Mexico, Brazil, Colombia, Honduras, Ecuador, Guatemala, Peru, and Haiti.

Challenges to Press Freedom in Latin America

A free press is a key pillar of a vibrant and functioning democratic society. Worldwide, press freedom has declined to its lowest point in more than ten years. According to our 2015 report, which looks at the events of 2014, only fourteen percent of the world's population – one in seven people – lives in countries with a free press. Only three of the countries in Latin America – or 15 percent – are rated Free, and just two percent of the population live in Free media environments. Ecuador, Honduras, Mexico, Peru, and Venezuela received their worst press freedom scores in over a decade. The report highlights a growing regional trend of government persecution and harassment of journalists, as well as an increase in violent attacks carried out by state and non-state actors with near-complete impunity.

Press freedom in the Americas faces a more severe and diverse set of challenges than at any point in the last five years. While some progress has been made to push back against censorship in the region, increased violence against journalists and new forms of censorship now pose a significant concern. We are seeing the arbitrary allocation of public resources to control media outlets, legislation to restrict press freedom, a lack of access of information for independent journalists, arbitrary use of regulation and oversight, government censorship, an environment of intimidation that inhibits dissenting speech, political persecution, and impunity for crimes against journalists. Weak rule of law in some countries and inefficient institutions in others increase the risk to journalists.

Ecuador, Venezuela, and to a lesser degree Brazil, have undertaken efforts over the last five years to diminish the mandate of the Inter-American Commission on Human Rights' Special Rapporteur for Freedom of Expression and strip it of resources. Though these efforts have been unsuccessful thus far, the Ecuadorian and Venezuelan governments remain openly hostile toward the Organization of American States and have taken steps to establish parallel institutions with few if any human rights enforcement mechanisms.

Argentina

In Argentina, since 2008, journalists and media owners have been demonized, persecuted and threatened, and the relationship between the government and critical press outlets remains tense. The government has opted for a two-pronged strategy to control critical media: first, through the adoption of a media law aimed directly at undermining freedom of the press by destroying the country's most popular media outlet, Grupo Clarin; and by perpetrating direct attacks to any journalist who criticizes the government or who investigates corruption. Juan Pablo Suárez, editor of the online daily *Última Hora*, was charged with "inciting collective violence" and "terrorizing the population" after he refused to hand over footage of a police officer being arrested.

Second, through their business cronies the government has managed to create a state-owned and government-friendly media conglomerate. The most notorious case is that of Sergio Szpolski, a media magnate who is now running as one of President Kirchner's candidates for mayor in the province of Buenos Aires.

Brazil

In Brazil, journalists face violence, impunity for crimes committed against them, judicial censorship, fines, and jail sentences. Four journalists were killed in 2014, and several more were attacked while covering protests against inflation, government performance, and World Cup expenditures.

Colombia

In Colombia, weak police and justice-sector institutions, particularly at the local level, fail to adequately protect members of the press from physical attacks. Police and government officials are sometimes complicit. Media workers continue to face frequent physical attacks related to their coverage of sensitive

topics, such as organized crime and corruption. A local Colombian press watchdog recorded at least 131 threats and other abuses against the press in 2014. Two journalists were killed in a three-week span earlier this year, both of whom had been repeatedly threatened for their reporting on cases of government corruption.

Cuba

Cuba remains the worst violator of press freedom in the region. News media is owned and controlled by the state and independent press publications are considered illegal and are classified as “enemy propaganda.” Government agents routinely infiltrate the ranks of independent journalists, often accusing them of being mercenaries working at the behest of foreign powers. Despite the diplomatic opening between the United States and Cuba and the resulting release of over 50 political prisoners in late December, many journalists are still arrested with regularity in Cuba and official censorship remains pervasive.

Ecuador

In Ecuador, journalists and media outlets face hostile rhetoric from the government and ever-growing legal harassment. Ecuador experienced the second largest decline in the world from 2008 to 2013, resulting in a “Not Free” rating. The enforcement of the 2013 Communication Law, whose controversial provisions included the creation of two powerful regulatory bodies, has added to an environment marked by self-censorship and intimidation and led to legal sanctions brought against media outlets in at least 118 cases. Having been subject to hefty fines, sanctions, persistent harassment from government leaders, and threats in certain cases, several major outlets have reduced the frequency of their production and distribution, modified their editorial lines, or closed entirely. Press freedom watchdogs including the independent NGO Fundamedios have been repeatedly investigated by the government and threatened with fines and potential closure for their monitoring and reporting of attacks on freedom of expression.

Honduras

Honduras is one of the region’s deadliest countries for journalists. In a 10-day span over the last month, three journalists were killed in apparent connection to their work. Press freedom also suffers from official censorship, reinforced by media owners’ nearly unconditional support for the government. The concentration of all media sources in a few powerful hands created a self-censorship environment. The

government has been intolerant to dissenting views. A reporter covering a political dispute and the passage of a new secrecy law, which is currently suspended, was charged with sedition in 2014.

Guatemala

Rule of law in Guatemala is particularly weak, leaving journalists unprotected. In the outer provinces, organized crime and drug trafficking groups have amassed control and imposed censorship. Because it is impossible to safely report on these criminal groups, journalists self-censor. Journalists are routinely threatened, and some have been killed due to their investigations, so many are afraid to report on sensitive issues. Exposing corruption and organized crime took the life of three journalists last march, two in the city of Mazatenango on March 10 and a third on March 13 in the nearby town of Chicacao.

Mexico

Freedom House downgraded Mexico's press freedom environment to "Not Free" in 2011, and it has remained in that category ever since. Mexico is one of the world's most dangerous places for media workers. In 2014, three journalists were killed in direct connection to their work, and a journalist was assaulted once every 26.7 hours— nearly double the rate reported under the Felipe Calderon administration. Forty-eight percent of attacks recorded by Article 19 were perpetrated by public officials. In 2015, there have already been six journalists murdered.

Mexico's Federal Telecommunications and Broadcasting Act, which passed in 2014, allowed greater competition in the telecommunications and broadcast media sectors, but it also grants the government powers to monitor and shut down internet activity during protests and track mobile phone users. It also established an onerous registration process that makes it more difficult for community radio stations to obtain licenses.

Reporters face police aggression while covering protests, and self-censorship remains widespread. Carmen Arestegui, a leading journalist and host of the most-listened-to radio program in Mexico, was fired along with her investigative team after uncovering and reporting on an allegedly corrupt real estate purchase by the first lady of Mexico (the "Casa Blanca" scandal). Ms. Arestegui's digital platform received a series of attacks after publishing an investigation on the Apatzingan massacre, which alleged that federal police, rather than competing criminal groups, were responsible for many of the killings.

Venezuela

Venezuela is among the most restrictive environments in the region for press freedom. The media climate is permeated by government intimidation, including harassment, persecution, and strong anti-media rhetoric. The 2004 Law on Social Responsibility of Radio and Television gives the government the authority to control radio and television content. Transparency of media ownership structures is lacking, and state-exacerbated economic problems, including high inflation and difficulties obtaining foreign currency for purchasing newsprint, have made it difficult for print media to afford to stay in business. In May, 22 media executives were banned by the Venezuelan judiciary from leaving the country in a clear act of government censorship that violated the Venezuelan Constitution, the American Convention on Human Rights, and rulings made by the Inter-American Court of Human Rights protecting the republication of information from third-party sources.

Positive Developments

Despite the troubling overall trend in Latin America, there are some countries making encouraging improvements.

Uruguay

Uruguay has taken positive steps to address the region-wide problem of excessive media concentration. Uruguay's Broadcasting Communications Services Law creates a truly independent commission and more effectively ensures equitable and independent distribution of broadcast frequencies among public, private, and community-owned outlets. Uruguay also has one of Latin America's most advanced and effective journalist-protection systems.

Mexico and Honduras

Mexico and Honduras have taken some positive steps on paper, such as creating protection systems for journalists and committing to fulfill their international commitments to ensure freedom of expression. However, greater resources, professional capacity, and political will are needed to make these commitments a reality.

Policy Recommendations

There are a number of steps the United States Congress can take to more actively engage the region's governments, civil society, and multilateral institutions in promoting press freedom as a fundamental pillar of democracy.

- 1. Publicly and privately express concerns to Latin American governments about the frequency and severity of attacks on journalists, bloggers, citizen reporters, and activists and the pervasive impunity for those attacks.** Issues of freedom of expression and protection of journalists should be raised by U.S. officials in bilateral meetings, inter-parliamentary conferences, and joint security discussions. The United States should also support rule of law reforms to improve prosecution, including the creation of special prosecutors for crimes against freedom of expression, as in Mexico. These positions must be accompanied by the necessary resources and political commitments to actually carry out thorough investigations. The United States should also recommend mechanisms to facilitate journalists' and the public's access to government information.
- 2. Support independent and alternative media and programs that address restrictive media environments.** The United States should support the development of alternative media outlets to combat excessive concentration in the control and ownership of communications media. Emphasis should be placed on supporting impartial, accurate reporting in environments where it is in limited supply and should be tailored to create media that is financially sustainable and able to operate in and respond to the political pressures that exist in each environment. Emphasis should also be placed on addressing the issues underpinning a lack of media freedom in each country.
- 3. Support the establishment and strengthening of well-funded and efficient protection mechanisms for journalists and human rights defenders.** The United States should press countries in the region to create mechanisms to protect journalists, similar to those developed in Mexico and Colombia, and support these mechanisms with the necessary technical assistance and financial and human resources. U.S. funding allocated for the Alliance for Progress for the Northern Triangle (Honduras, Guatemala and El Salvador) must require the inclusion of freedom of the press provisions as well as mandatory support for mechanisms to protect journalists and end impunity.

4. Provide robust support to the Inter-American Commission on Human Rights (IACHR) and the Office of the Special Rapporteur for Freedom of Expression. Despite efforts to defund the Special Rapporteur and diminish its mandate, the office continues to play a key role in drawing attention to violations of freedom of expression in the region. Governments like those of Mexico and Honduras, which are concerned about their international image, take the reports and statements issued by the Rapporteur very seriously. In countries like Venezuela, where the government is openly hostile to the Special Rapporteur and the IACHR more broadly, IACHR public statements and provisions of precautionary measures in individual cases provide critical protection to human rights activists who are subject to harassment or persecution from the state.

5. Pass the *Global Magnitsky Human Rights Accountability Act*

The *Global Magnitsky Human Rights Accountability Act* would build on current U.S. policy of condemning human rights abuses and supporting human rights defenders by imposing tangible consequences in the form of visa bans and asset freezes on foreign officials responsible for gross human rights violations or large-scale corruption. The U.S. Congress should swiftly pass this legislation to hold accountable those officials responsible for attacks on journalists and press freedom in Latin America.

Conclusion

As we state in our *Freedom of the Press* report, unfettered access to information—about politics, religion, corruption, and the countless other potentially sensitive topics that have a direct impact on people’s lives—is a central pillar of any free society because it enables individuals to evaluate such questions for themselves, rather than through a filter devised by those in power. It allows citizens to demand accountability from their own governments, to debunk propaganda and to advocate for social change and political reform as they see fit. Restrictions on expression may be a politically expedient way to react to public discontent and insecurity, but long-term stability and prosperity demands open debate, the complete exposure and analysis of odious views, the development of persuasive counterarguments, and the implementation of policies to address underlying grievances and social ills.

Press freedom in the Americas faces a more severe and diverse set of challenges than at any point in the last five years. Journalists are under threat from both state and non-state actors, whether in the form of

laws that restrict press freedom, government censorship, political persecution and harassment, or violent attacks. Congress should more actively engage the region's governments, civil society, and multilateral institutions in promoting press freedom as a fundamental pillar of democracy.

Thank you, and I look forward to your questions.