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Argentina

Country:

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Year:

2017

Press Freedom Status:

Partly Free

PFS Score:

46

Legal Environment:

13

Political Environment:

18

Economic Environment:

15

Key Developments in 2016:

- The government of President Mauricio Macri reversed its predecessor's pattern of hostility toward the private media, resuming regular press conferences and ending official criticism and harassment of specific journalists.
- In September Congress passed a long-delayed freedom of information law that was expected to improve public access to government documents.
- In August the government established an official framework for the distribution of state advertising, with objective criteria designed to prevent political bias.
- The resulting changes and reductions in state advertising led several outlets that had benefited from the previous government's largesse to shut down or carry out layoffs of journalists.

Executive Summary

Argentina has a robust media sector that represents a plurality of views. Under the Macri administration, which took power in December 2015, relations between the government and the private media have improved. The previous government, led by former president Cristina Fernández de Kirchner, had engaged in secretive and hostile behavior toward the press, including numerous verbal attacks on outlets and individual journalists. Despite the

changed political climate, the news industry continues to suffer from ownership concentration, with the media conglomerate Grupo Clarín and the somewhat smaller group La Nación—both of which generally support Macri—dominating the national market.

Shortly after taking office, Macri had issued decrees aimed at revising several elements of a 2009 media law that was seen as a politicized attempt to curb the size and influence of Clarín. The decrees were suspended by federal courts in January 2016, but Congress confirmed the changes through legislation in April. Among other provisions, the 2016 law replaced two regulatory bodies with a new National Communications Authority, lifted restrictions on the number of broadcast licenses a media group can own, and allowed telecommunications companies to provide cable television services.

The new administration also took steps to halt the politicized allocation of state advertising, a practice that was rampant under the previous government. However, the reduction in spending, combined with the country's difficult economic situation, affected media businesses' financial sustainability. Separately, several physical attacks or threats against journalists were reported during the year, though extreme violence against the press remains rare.

Legal Environment: 13 / 30 (↑1)

Argentina's constitution provides for freedom of the media and of expression, and restricts Congress from passing legislation that would affect those freedoms. Defamation-related offenses were decriminalized for journalists in 2009 and can no longer result in prison sentences. However, fines can still be issued in civil cases.

A 2011 amendment to the antiterrorism law increased penalties for terrorist acts. An interpretation by the head of Argentina's Financial Investigations Unit stated that news outlets could be held accountable under the law if they published material that "terrorizes" the public. Although the government stated that the measure was not intended for use against the media, it was invoked in 2014 to charge a journalist, Juan Pablo Suárez, for publishing video footage of a police protest in Santiago del Estero. The aggravated "terrorism" charge was later dropped, but Suárez still faced a charge of incitement to violence, and the law itself remained in place.

Congress approved an access to information law in September 2016, and it was expected to take effect within a year. The final passage of the law followed years of failed attempts to adopt such a measure. The new legislation creates an Agency for Access to Public Information and permits every citizen to request information from state bodies, which must respond within 15 days, subject to a 15-day extension. Private entities that receive state funding are also covered by the law. Requests can be denied to protect certain exempted information, such as defense, foreign policy, or trade secrets.

The previous lack of a freedom of information law was especially problematic given the government's record of manipulating key economic and other statistics, for which it was formally censured by the International Monetary Fund (IMF) in 2013. However, the Macri administration largely restored credibility to the statistics agency during 2016, and the IMF lifted its censure in November.

Upon taking office in late 2015, Macri issued decrees that reversed large portions of the 2009 Law on Audiovisual Communications Services, also known as the Ley de Medios. The ostensible aim of the law was to break up media monopolies and improve competition and service quality, but many observers argued that it was implemented with political bias, as it was largely used in attempts to dismantle the extensive media holdings of Grupo Clarín, which was critical of the Fernández de Kirchner administration. There was also evidence that the regulatory bodies created by the law displayed bias in the licensing process, granting new operating licenses almost exclusively to government or progovernment entities.

Macri's bid to repeal the law by decree was blocked in January by federal judges acting on injunction requests from a consumers' association and a community radio station. However, in April Congress adopted a law based on Macri's decrees. The legislation merged the two media regulatory bodies established by the 2009 law, the Federal Communications Services Authority (Afsca) and the Federal Authority for Information Technology and Communications (Aftic), into a single new entity responsible for media regulation in Argentina, the National Communications Authority (Enacom). Four members of the seven-member board of Enacom would be appointed by the president, with the rest chosen by the three main factions in Congress.

In moves toward deregulation that would reduce pressure on Clarín, the 2016 law also lifted a prohibition on the sale of broadcast licenses between media companies and eased restrictions on the number of broadcast licenses a company can own. Moreover, telecommunications companies would be able to offer cable television service as soon as 2018.

There are no legal restrictions on becoming a journalist, and professional groups are free to support journalists' rights and interests.

Political Environment: 12 / 40 (↓2)

The Macri administration improved government relations with the press during 2016. The tenure of Fernández de Kirchner was characterized by state hostility toward the media, including verbal and written attacks on critical outlets and individual journalists. Ministers held few press conferences and often excluded certain media from such meetings. By contrast, Macri and his cabinet ministers held regular press conferences and opened up a broader dialogue with journalists and media organizations regarding state policies.

The media, including the internet, are generally free from official censorship. There have been some cases of the government taking down or blocking access to websites that facilitate illegal commercial activity or publish copyrighted or defamatory material, but the practice is not pervasive. Although journalists faced less pressure to self-censor regarding coverage of the government in 2016, the threat of violent reprisals continued to encourage self-censorship on stories involving organized crime, human trafficking, or the illegal drug trade.

Extreme violence against members of the press is very rare in Argentina, and no journalists were murdered in 2016. The Argentine Journalism Forum (FOPEA) registered 65 attacks against the media—including threats, assaults, attacks on media facilities,

confiscation of equipment, and obstruction of coverage—during the year, which represented a significant decrease from the 94 incidents reported in 2015. In September, the Ministry of Security presented a protocol for the protection of journalistic activity, particularly for reporters focused on organized crime and drug trafficking; the protocol's provisions included a mechanism for journalists to request state protection.

Among other cases in which journalists faced attacks or apparent reprisals for their work in 2016, Luciano Barrera, a photojournalist from news site El Esquíú.com, was beaten, detained for five hours, and had the memory card of his camera confiscated by police in Santa Rosa, Catamarca Province, after he took pictures of an auto accident in February. In July, gunshots were fired at the home of Santa Fe journalist Emanuel Soverchia, who said the incident was likely tied to his reporting on corruption in the province. Television journalist Luis Majul received anonymous death threats by text message in August as he interviewed a protected witness in a major corruption case. In December, the offices of two online news outlets focused on corruption and abuse of authority—*Revista Anfibia* and *Cosecha Roja*—were broken into and had equipment, computers, and notebooks stolen.

Economic Environment: 15 / 30 (↑1)

Argentina has a large private media sector, with more than 150 daily newspapers, hundreds of commercial radio stations, and dozens of television stations. However, private ownership remains concentrated, with Grupo Clarín commanding a significant share of the print, broadcast, and internet service markets. Public media are less influential; the country's largest public television station, TV Pública, has a much lower audience share than its private competitors. Public radio has also declined in importance since the privatization of the industry in 1980, though many private radio stations operate on temporary licenses pending regulatory reforms. Privately owned online news outlets are widely available, with about 70 percent of Argentines accessing the internet as of 2016.

Government and regulatory decisions that affect news distribution have often appeared politicized. In June 2016, the government announced that it was suspending the free-to-air broadcast signals of Telesur, a left-wing media venture backed primarily by the Venezuelan government, and RT, a Russian state-owned channel, explaining that the digital spectrum was needed for provincial government stations. Macri's government in March had withdrawn from Telesur, in which Argentina held a minority stake, citing in part its fiscal austerity goals. The previous administration had supported both stations, and critics said that the changes in policy were based on shifting ideological and diplomatic alignments.

A 2011 law designated newsprint as a commodity of public interest, making it subject to government regulation. Under the law, the government can increase its minority stake in the only Argentine company that manufactures newsprint, Papel Prensa, in order to produce enough newsprint to satisfy the demand of all newspapers in the country; the rule could lead to eventual government control of the newsprint supply. Beginning in 2010, the previous government had pursued an investigation into the two private media groups that control a majority stake in Papel Prensa, Grupo Clarín and La Nación, alleging that they acquired the shares at a time when the seller was under coercion by the military

dictatorship of 1976–83. A judge dismissed the case in December 2016, but a prosecutor and private plaintiffs filed appeals of that decision later in the month.

In August, the Macri administration issued new guidelines on state advertising expenditures in a bid to correct some of the distortions that had arisen under the previous government. According to figures cited by the Inter American Press Association, the Fernández de Kirchner government spent \$380 million on official advertising in its last year in power—some 25 times more than in 2003, when Fernández de Kirchner’s husband and predecessor took office. The allocation of such funding was widely believed to favor progovernment outlets. The new guidelines call for state advertising to be distributed objectively according to the size of the media outlet’s audience, its geographical reach, the relevance of the message to the news source’s specific audience, and the extent to which the outlet contributes to the plurality of voices.

While the reforms were generally seen as a necessary step, the reduction and redirection of state advertising contributed to mass layoffs and closures among outlets that had come to depend on government funds over the past decade, leading some critics to warn of a threat to diversity. Journalists’ organizations also called on media owners who were conducting layoffs or withholding salaries to respect the labor rights of their employees.

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