Overview

The media in Colombia continued to work under difficult conditions in 2015. Journalists continued to face a high level of violence, including an increased number of physical attacks and threats throughout the country. Some progress was made in chipping away at Colombia’s long history of impunity for attacks against journalists, but a number of ongoing legal and political issues served to limit full journalistic freedom.

Key Developments

- Local press freedom monitors registered the largest number of attacks against journalists since 2009, including two murders.
- Although the mastermind of a notorious journalist murder was convicted and sentenced, impunity remained the norm for Colombia’s dozens of journalist killings over the past two decades.

Legal Environment: 13 / 30 (↓1)
The 1991 constitution guarantees the rights to freedom of expression and freedom of information, but defamation remains a criminal offense. In May 2015, the Constitutional Court denied an appeal that sought to strike an 18-month prison sentence issued to Gonzalo López Durán, who was convicted in 2014 for a comment on a news article on the *El País* website that allegedly defamed a public servant. López subsequently brought his case to the Inter-American Commission on Human Rights, where it remained pending at year’s end. Media outlets also continue to face frequent civil lawsuits related to their coverage of sensitive topics such as organized crime and corruption. The suits require substantial resources to fight in court, even if most are ultimately dropped.

In July, the Constitutional Court handed down another problematic decision, ruling that media outlets must update stories involving the progress of legal cases, even without receiving specific requests to do so. In a separate decision, the court applied the “right to be forgotten,” ordering Google to take steps to block search engines from finding a news article linking an individual to human trafficking, after the individual was later found not guilty. Congress initiated debate during 2015 on a reform to the criminal procedure code that threatened to limit press access to judicial processes and impose conditions on reporting of legal cases.

Attorney General Eduardo Montealegre was at the center of several press freedom–related controversies during the year. According to the Inter American Press Association, Montealegre demanded that several reporters turn over information gathered from sources, and also warned citizens of criminal penalties for delivering video recordings of crimes to the media rather than to the authorities.

Colombia’s transparency and access to information law was updated in 2014. However, in June 2015 a new law took effect regarding the right to petition for information that, some civil society organizations stated, conflicted with the 2014 law in ways that could limit effective access to information. Moreover, a January presidential decree regulating the 2014 law was drafted in a way that increased the range of potential justifications for denials of official information.

Two official bodies are responsible for regulating and licensing Colombia’s broadcast media. The Ministry of Information Technologies and Communications regulates the licensing of radio outlets, while the nominally independent National Television Authority (ANTV) regulates television licensing. No licensing is necessary for print media.

The confidentiality of journalistic sources is protected under the constitution and by judicial rulings, but illegal surveillance has presented an ongoing challenge in Colombia, with dozens of journalists filing complaints against the administration of President Álvaro Uribe (2002–10) and distrust peaking after a series of 2010 phone-tapping scandals. Two former high-ranking officials, former intelligence chief María del Pilar Hurtado and former Uribe chief of staff Bernardo Moreno, were convicted and sentenced in 2015 in connection with the scandal. Accusations of illegal surveillance continue to emerge, however. In December 2015, journalists from radio station La FM presented evidence that National Police agents had been following them and monitoring their communications, possibly in retribution for critical coverage produced by the outlet.
Political Environment: 26 / 40 (↑1)

Independent and privately owned print and broadcast media are generally free to express a variety of opinions and cover sensitive issues without official restrictions. However, journalists throughout the country, particularly in rural areas, face harassment from various actors, including paramilitaries, local criminals, drug-trafficking groups, guerrilla movements, and the government. Sensitive topics include corruption, organized crime, drug and human trafficking, land conflicts, indigenous rights, illegal mining, and extrajudicial executions. A pervasive climate of fear has led to self-censorship, particularly in rural settings and during election periods. The government operates an extensive program that provides protection to scores of journalists, although reporters have criticized the program’s effectiveness.

The Foundation for Press Freedom (FLIP), a local watchdog group, registered 232 victims in 147 cases of press freedom violations, the largest number since 2009. Two of the most significant cases were the murders of Luis Peralta in Caquetá in February and Flor Alba Núñez in Huila in September. In each case the journalist had reported on crime and corruption in their respective region. Another visible manifestation of Colombian journalists’ insecurity was the brief kidnapping in May of investigative reporter Juan Diego Restrepo in Norte de Santander by the People’s Liberation Army (EPL) guerilla group. Several other murders of press workers also occurred during the year, though it was unclear whether they were connected to their work.

Death threats are still the most frequent type of violation against the press, with FLIP compiling information on 59 cases in 2015. An illustrative example was the threat against El Espectador correspondent Edinson Bolaños in Cauca, who received a call in November warning him that he might “receive a surprise for saying things that aren’t so.” Bolaños, who had recently published an article discussing mining controversies in his region, was forced into internal exile in Bogotá.

Impunity for those who threaten, attack, or kill members of the press continues to prevail in Colombia. While a 2010 reform extended the statute of limitations for violent crimes against journalists and human rights defenders from 20 to 30 years, the extension applies only to crimes committed after 2000. The few murders classified by the attorney general as crimes against humanity have no statute of limitations, however. The main advance against impunity occurred in June, when former congressman Dixon Ferney Tapasco was sentenced to 36 years in prison for ordering the 2002 murder of journalist Orlando Sierra. The case marked one of the few convictions of an intellectual author in Colombia’s dozens of journalist murders since the early 1990s. Conversely, repeated postponements marred the case of several individuals accused of complicity in the 2000 kidnapping and sexual assault of reporter Jineth Bedoya. Similar delays characterized courtroom proceedings against former intelligence chief José Miguel Narváez for the 1999 murder of humorist Jaime Garzón, a trial that stretched into its fourth year in 2015.

Economic Environment: 17 / 30 (↓1)

Media ownership is concentrated among a few groups of private investors, and television is the dominant news medium. All print media in Colombia are privately owned. The
government operates three public television stations, but the two private free-to-air networks dominate the ratings. The pattern in radio is similar, with the two public national radio stations attracting a small audience share. There are hundreds of community radio stations, which have sometimes faced pressure from the government and armed groups. Local media depend heavily on advertising by regional and municipal government agencies to stay in business, encouraging collusion among media owners, journalists, and officials. According to an investigation by Reporters Without Borders and the Federation of Colombian Journalists, the opacity of the media sector makes attempting to trace and analyze market shares and the specific distribution of state advertising extremely difficult.

As of 2015, the country’s internet penetration rate reached 56 percent. The public is making increasing use of social-networking websites such as Facebook and other digital tools, all of which are providing a new arena for journalists to cover sensitive topics like corruption and organized crime. However, a series of leaks regarding surveillance platforms possessed by various intelligence and prosecutorial agencies prompted media watchdogs to issue alerts about potentially unlawful and invasive monitoring of internet and mobile phone communications.

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