

FREEDOM OF THE PRESS

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Argentina

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In 2011, tensions persisted between the government of President Cristina Fernández de Kirchner and critical media outlets. The hostile relationship has become an important obstacle to the practice of journalism in Argentina and to the public's right to be informed about matters of national interest. The constitution provides for freedom of the media and of expression. In a positive step, libel and slander by journalists were decriminalized in 2009 and are no longer punishable by imprisonment, though fines can still be issued in cases of "real malice." In September 2011, former president Carlos Saúl Menem filed suit against two journalists from *Noticias* for invasion of privacy. Press freedom groups are concerned that the case could set a negative precedent for privacy issues involving public figures. The case was ongoing at the end of the year.

In 2009, the legislature passed a controversial Law on Audiovisual Communication Services, which aimed to diversify ownership in the media sector. Fears that the law would be used against the government's media opponents spurred lawsuits that hindered implementation for about a year, but in September 2010 the measure came into effect. Critics also raised concerns regarding the composition, independence, and authority of a new broadcast regulatory body. However, due to several injunctions, Article 161 of the law, which would force certain media companies to sell off assets, remained suspended during 2011 as it awaited a Supreme Court ruling on a challenge filed by the Clarín Group media conglomerate in 2010.

There were several other events of note on the legal front in 2011. In December, Congress passed an amendment to the antiterrorism law that increased penalties for terrorist acts. An interpretation of the law by the head of Argentina's Financial Investigations Unit stated that news media could be held accountable under the expanded clauses if they published material that "terrorizes" the public. The executive branch was asked to clarify, but the question remained unresolved at year's end. Also in December, Congress passed a measure that designated newsprint as a commodity of public interest, making it subject to government regulation. The only manufacturer of newsprint in Argentina is Papel Prensa, jointly owned by the government and the newspaper groups *La Nación* and *Clarín*. Under the new law, the government can increase its share of ownership in the company if it fails to produce enough newsprint to satisfy the demand of all newspapers in the country. A government-appointed commission, which includes representatives of every newspaper except for *Clarín* and *La Nación*, is tasked with overseeing the law's implementation.

The move exacerbated an ongoing feud between the government and the country's biggest newspapers, *La Nación* and *Clarín*. In January 2011, in connection with a labor dispute, the printing presses for *La Nación* and *Clarín* were blockaded, preventing the papers from being distributed. In March, their Sunday editions were blocked from distribution by union members at the trucking exits of their printing facilities. Workers claimed that the Clarín Group was harassing the union membership, but management called the incident an attempt to silence criticism of the government. The headquarters of a cable

2012 SCORES

PRESS STATUS

Partly Free

PRESS FREEDOM SCORE

50

LEGAL ENVIRONMENT

12

POLITICAL ENVIRONMENT

22

ECONOMIC ENVIRONMENT

16

television channel owned by the Clarín Group was raided by 50 armed military police following a court order in a suit aimed at preventing a merger of the channel, Cablevision, with another television company. The Inter American Press Association (IAPA) denounced the raid as “an act of excessive public force in a conflict which, if it existed, should be resolved by more appropriate means.” At the end of December, the federal government ordered Clarín Group to freeze its basic cable rates for 2012, a detrimental action to the group, as cable and internet services accounted for nearly two-thirds of its revenues. Meanwhile, in July, authorities shut down two newspaper vendors at a food market when they failed to abide by an order from the market’s government-controlled board instructing employees to wear hats with the words “Clarín lies” printed on them. Eventually a federal court reversed the action.

Extreme violence against members of the press is very rare, and no journalists were murdered in 2011, but threats and physical or verbal attacks continued, with more than three dozen such incidents reported during the year. In June, radio journalist Mario Sánchez’s home was set on fire and his computer was stolen; the attack was suspected to be a result of his reporting with Sayhueque, a municipal radio station. In July, Carlos Walker, the editor in chief of a website and a reporter for the local FM Ciudad radio station, was robbed, beaten, and shot shortly after he took photographs of illegally displayed political posters. In November, there were arson attacks at the newspaper *La Verdad*’s printing plant in Buenos Aires Province and on transmission equipment belonging to Sapucay FM radio in Misiones Province. The attack took Sapucay FM, known for its critical reports on local officials, off the air. Separately, in September a court ordered several newspapers to provide detailed personal contact information for journalists who had reported on Argentina’s inflation since 2006, after the domestic trade secretary accused the papers of publishing incorrect reports.

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 is concentrated, with the Clarín Group commanding a significant share of the print, broadcast, and internet-based media markets. Many radio stations operate on temporary licenses pending regulatory reform. As in past years, the government was accused in 2011 of manipulating the distribution of official advertising to limit free speech, a practice termed “soft censorship” that had been institutionalized by former president Néstor Kirchner. The problem with selective placement of government advertising has persisted in Argentina even though the Supreme Court ruled in 2007 that “the government may not manipulate advertising by giving it to or taking it away from media outlets on the basis of discriminatory criteria.” According to IAPA, in the first half of 2011, nearly 50 percent of state advertising was given to media groups close to the government, a dramatic increase from the previous year. The two newspapers with the largest circulation in the capital account for 60 percent of the readership but receive just 2.5 percent of government advertising. Meanwhile, two other newspapers whose combined press run is one-tenth the size of the two leading papers receive 38 percent of official advertising. Government advertising in television grew 282 percent in the first six months of 2011 compared with the same period in the previous year, according to IAPA. Other forms of economic pressure were also used against opposition-oriented media. In December 2011, a judge ordered the assets of *La Nación* and 22 other newspapers to be frozen in a dispute over unpaid back taxes. In 2009, the Supreme Court had ruled in favor of the newspaper and suspended payment of the debt, but the tax court judge ignored that ruling in his order to freeze the media companies’ assets.

In 2011, 48 percent of Argentines accessed the internet, the third-highest usage rate in Latin America after Brazil and Mexico. There are no government restrictions on the internet, although authorities have sometimes censored search results to protect the privacy of celebrities and public figures.

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