

FREEDOM OF THE PRESS

Bolivia

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Press freedom remained somewhat constrained in 2011 as President Evo Morales continued his verbal attacks on the media and journalists felt the effects of two laws enacted in late 2010: the Law Against Racism and All Forms of Discrimination and a new electoral law. The former, which came into force in January 2011, attempts to address the portrayal of indigenous peoples in the media and their limited access to media outlets. In the past, the media have been accused of inciting violence against indigenous peoples, promulgating hate speech, and contributing to Bolivia's entrenched culture of racism. The law was originally criticized for its vague language, but prior to its enforcement, the government issued regulations that clarified the ambiguities. According to Reporters Without Borders, the regulations specified that journalists would not be held responsible for reporting racist messages as part of "their coverage of a development." However, the law does empower the authorities to shut down news outlets and arrest journalists for published material that they deem to be racist, potentially hindering freedom of information and opinion. Violations can also bring fines, the withdrawal of operating licenses, and imprisonment. Under Article 16 of the law, media organizations can face these sanctions even if a remark deemed to be racist is uttered by a source or interviewee and is not the position of the media organization. Article 23 does away with journalists' right to appeal to press self-regulatory bodies, as called for in the country's press law. Meanwhile, the 2010 electoral law restricts coverage of judicial elections, forbidding the publishing or broadcasting of any information about the candidates that is not released by the electoral authorities.

Bolivia's 2009 constitution protects freedom of expression but also allows for some limitations. While Article 21 lays out an expansive right to communicate freely, Article 107 imposes a duty to communicate with "truth and responsibility." Article 107 also clears the way for content-based restrictions by stipulating that the media must contribute to the promotion of the ethical, moral, and civic values of the nation's multiple cultures. Defamation remains a criminal offense, with higher fines and jail sentences prescribed for those who insult high-level officials. In July 2011, journalist Richard Romero was detained by the authorities for allegedly committing "desacato," or disrespect, against President Morales. Romero had disseminated videos of his documentary, *Union Dictatorship*, which depicts residents of the central province of Chapare condemning intimidation and harassment by members of coca workers' unions, in which Morales had been involved before becoming president. Romero was released after 48 hours, and the case remained pending at year's end.

Bolivia has no specific law on access to public information, and a draft bill released in 2011 fell short of international standards, according to the press freedom group Article 19. Currently, the Ministry of Institutional Transparency and Fight Against Corruption is responsible for the implementation and execution of the National Policy on Transparency for all national government entities. Press organizations consider this arrangement insufficient and have pressed for a law on access to public information. Exacerbating the problem is the lack of a requirement for the government to archive official documents.

2012 SCORES

PRESS STATUS

Partly Free

PRESS FREEDOM SCORE

47

LEGAL ENVIRONMENT

13

POLITICAL ENVIRONMENT

22

ECONOMIC ENVIRONMENT

12

The regulatory framework is increasingly being used to control media freedom. In August 2011, a new telecommunications law went into effect, establishing rules for the distribution of television and radio frequencies, the broadcasting of presidential messages, and wiretapping in certain extreme cases. The measure allots 33 percent of the frequencies to the government, 33 percent to the private sector, 17 percent to social and community-based groups, and 17 percent to “peasant and indigenous groups.” The law also stipulates that presidential addresses must be broadcast free of charge twice a year on national television. Local journalist advocacy organizations and press groups denounced the new rules, claiming that they would cripple Bolivians’ freedom of expression and information. In December, President Morales held a meeting to examine the work of the media and look into rewriting the country’s press law, which dates to 1925. Under the press law, media organizations are supposed to practice self-regulation and enforce their own code of ethics. The country’s three main journalism organizations issued a statement vehemently opposing the move as an attempt to infringe on press freedom.

Journalists work in a polarized political environment that features strong rivalries between pro- and antigovernment outlets. Government officials regularly use negative rhetoric against the news media, specifically those commentators who are critical of the president’s policies. As a result, journalists employed by antigovernment media often engage in self-censorship to avoid being persecuted or harassed by government authorities or supporters. Though there were no cases of official censorship in 2011, there were several instances of self-censorship, including a reluctance to conduct live interviews for television news broadcasts. According to the Inter American Press Association, an opinion poll of reporters and editors showed that 90 percent were practicing some sort of self-censorship because of the new antiracism law.

There were fewer threats and physical attacks against the news media in 2011, though incidents continued throughout the year. David Niño de Guzmán, the news director for the Agencia de Noticias Fides, was killed outside of La Paz in April in the year’s only murder of a journalist. In September, reporter Monica Oblitas began receiving death threats after her newspaper, *La Prensa*, published an exposé about corruption in the government’s Institute of Forensic Investigations. In November, a television station and a community radio station shut down after their offices were vandalized and computers stolen by supporters of the mayor of Ycapaní. Also in November, reporter Leopoldo Ibarra was stabbed eight times and beaten, apparently in retaliation for coverage of trade unions.

The television sector and Bolivia’s eight national and numerous local newspapers are for the most part privately owned, but many are tied to political parties, especially in La Paz. Newspaper readership is limited due to low literacy rates, and radio is often the principal news medium, with community radio stations playing a major role. In addition to the state-owned television station, the government operates a news agency, a weekly newspaper, and a growing network of community radio stations. Civil society groups have expressed concern over the significant expansion of state-run channels and the conversion of all public media into a “proselytizing force” for the president. The government news agency, Agencia Boliviana de Información, currently provides a free news service via the internet to both public and private channels nationwide. About 30 percent of the population had access to the internet in 2011, and thus far, the medium has not faced any official restrictions.

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