

FREEDOM OF THE PRESS

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Colombia

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Press freedom is guaranteed by Colombia's 1991 constitution, and there was modest improvement in the media environment in 2011. However, attacks and threats against reporters persisted, primarily in provincial areas. Defamation continues to be an issue, and in June the Supreme Court upheld provisions in the penal code on criminal defamation, ruling that they did not contradict the country's international obligations. There was one major defamation case in 2011. In September, columnist Luis Agustín González of the newspaper *Cundinamarca Democrática* in Fusagasugá was convicted of libel and slander for a 2008 editorial about a gubernatorial candidate. He was sentenced to 20 months in prison, but his case was under appeal at year's end.

Also in September 2011, the government proposed a new electoral code containing multiple regulations on political communication during election periods. The draft rules included restrictions on political and state advertising, campaign expenses, electoral information, opinion polls, and contracting. Article 75 of the bill requires impartiality, equity, balance, and pluralism in election news, as well as reports on campaigns to the National Electoral Council. Articles 136 and 138 prohibit any electoral advertising, rallies, communiqués, or political interviews on the day of the election, and no public affairs programming supporting candidates or political parties is allowed. Many media experts believe that these regulations would be unconstitutional, and due to continuing debate, the proposals had not been passed by year's end. Antidiscrimination laws and economic norms against misleading advertising also concerned media experts in 2011. A proposal in the Senate to revive professional memberships and identification cards for journalists, as well as sanctions for reporters through honor tribunals, drew criticism for its apparent contravention of national and international jurisprudence.

The constitution guarantees the right to freedom of information—for individuals and political parties—in Articles 15, 74, 78, and 112. The 1985 Law Ordering the Publicity of Official Acts and Documents stipulates that any individual may examine and request a copy of actual documents held by government agencies. The only exceptions are for documents protected by the constitution, by another law, or by the government for security purposes.

Two official bodies are responsible for regulating and licensing the broadcast media. The Ministry of Communications regulates the licensing of radio outlets, while the nominally independent National Commission on Television (NCT) handles the television sector. The NCT is extremely politicized in practice, and often distributes licenses based on political motives. No licensing is necessary for print media.

Death threats via pamphlets, telephone calls, and mailed messages are common in Colombia, especially in response to reporting on sensitive topics. Consequently, self-censorship remains a serious problem, particularly in rural settings and during elections. Topics considered sensitive include corruption, local mafias, issues of public order, and extrajudicial executions. In rural or provincial areas, criminal gangs and paramilitary groups target journalists, human rights defenders, community leaders, trade unionists, organizers of

2012 SCORES

PRESS STATUS

Partly Free

PRESS FREEDOM SCORE

55

LEGAL ENVIRONMENT

11

POLITICAL ENVIRONMENT

28

ECONOMIC ENVIRONMENT

16

displaced persons, and those seeking land restitution. In May 2011, the Black Eagles paramilitary group threatened the president of the Colombian Federation of Journalists (FECOLPER) and other prominent journalists in the country as a result of their reporting. A number of media outlets—including Radio Nasa in Toribío and La Voz del Cañaguate in Valledupar—were also attacked in 2011, and dozens of incidents of harassment of individual reporters were recorded by local press freedom organizations. Other journalists, such as Gonzalo Guillén in Bogotá in July, suffered break-ins at their offices or homes, with perpetrators stealing files or computer equipment to prevent the publication of sensitive stories. There were increased media restrictions during the local elections in October. Journalists reported being harassed by political candidates, but this occurred mostly in regions where armed conflict was more intense.

One journalist was killed in 2011. In June, freelancer Luis Eduardo Gómez, the celebrated “father of journalism” in the conflict-racked region of Antioquia, was fatally shot by an assailant on a motorcycle, most likely for his investigations of corruption among paramilitary groups, local authorities, and politicians. Two journalists left the country in 2011 as a result of threats. In July, Félix de Bedout of La W Radio left the country to work in the United States after a decade of reporting official wrongdoing and corruption. In August, Mary Luz Avendaño of *El Espectador* and *Hora 13 Noticias* in Medellín left the country after being threatened by city police members allied with drug gangs and corrupt public officials. Five more reporters abandoned their regions due to intimidation. The Human Rights Division of the Ministry of Interior and Justice provided protection to over 200 journalists through a dedicated program during 2011.

In a major step against impunity, the Attorney General’s Office confirmed accusations implicating former congressman Francisco Ferney Tapasco González, suspected material assassin Henry Calle Obando (alias “Botija”), and brothers Fabio and Jorge Hernando López Escobar in the 2002 murder of journalist Orlando Sierra, deputy director of the daily *La Patria*. Hit men Luis Miguel Tabares and Luis Arley Ortiz had already been convicted for the crime. In a number of other cases, relatives of murdered journalists and human rights monitors filed appeals at the Inter-American Court of Human Rights in 2011 because the statute of limitations in Colombia had expired after 20 years of impunity.

Media ownership is highly concentrated among groups of private investors, and television is the dominant news medium. Independent and privately owned print and broadcast media are generally free to express a variety of opinions and cover sensitive issues without official restrictions. All print media in Colombia are privately owned. The government operates one educational and two commercial television stations, along with a national radio network. There are hundreds of community radio stations, although they sometimes receive pressure from the government and armed groups. Officials from the region of Magdalena attempted to impede the flow of news and information in June 2011 by purchasing an entire Sunday edition of the Barranquilla daily *El Heraldo*. In October, government officials collected all issues of *El Informador* before its distribution to suppress an exposé about a mayoral candidate. There is a widespread perception that journalists accept bribes in exchange for biased coverage. Local media depend heavily on advertising by regional and municipal government agencies to stay in business, encouraging collusion among media owners, journalists, and officials.

There are few government restrictions on access to the internet, and 40 percent of the population had regular access in 2011. An increasing share of the public is using social-networking websites such as Facebook, and digital communication is a new and effective tool against censorship, violence and repression, administrative corruption, drug trafficking, and ecological destruction for many journalists. A recent study identified 88 exclusively digital news organizations, operating mostly in Bogotá, Antioquia, Atlántico, Santander, and Valle del Cauca. However, local multimedia outlets have complained of personal harassment, hacking, e-mail threats, and stolen or damaged equipment. A recent proposal in the Senate aimed to regulate online copyright infringements and give internet service providers the power to either

remove or block content that is considered to violate exclusive rights, without a court order.

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