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FREEDOM OF THE PRESS

Guatemala

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Guatemalan journalists continued to work under difficult conditions in 2011. Article 35 of the constitution ensures freedom of expression, which is generally respected by the government. Libel and defamation, however, remain crimes with penalties of up to five years imprisonment. Repeating another person's defamatory statement is also a crime, with similar penalties. There are several legal restrictions on press freedom, including Article 41 of the Radio Communications Law, which prohibits transmissions "offensive to civic values and the national symbols," "vulgar comedy and offensive sounds," and programs "contrary to morals and good etiquette." Positively, no legal cases were reported to have been brought against journalists during 2011. However, Vasni Vásquez, the host of an online television program in Chiquimula, was held in pretrial detention for several months on charges of kidnapping, although local police failed to produce any evidence against him.

Access to information remains difficult in practice, especially for journalists covering corruption outside the capital, despite the Law for Free Access to Public Information, which came into effect in 2009.

There is no independent media regulation or licensing body, and the government controls the allocation of airwaves through public auctions that require bidders to meet technical and financial benchmarks. In August 2009, an initiative to legalize community radio stations was introduced in Congress. However, the bill had yet to pass by the end of 2011. Community radio has long operated outside the law in Guatemala, but there were no new reports of station closures.

Sporadic cases of violence against the press by drug traffickers and other criminal organizations continued and were rarely prosecuted, encouraging self-censorship. One journalist was killed in 2011, according to the Committee to Protect Journalists. In May, Yensi Roberto Ordoñez Galdámez, a teacher and television reporter for Channel 14, was found stabbed to death in a vehicle outside the school where he taught in the southern province of Escuintla. Ordoñez had received previous threats related to his reporting and had told his family that he was being extorted. No arrests had been made by year's end.

A number of journalists received death threats, were assaulted, or were forced into exile during the year. Media rights groups reported a number of cases of extralegal intimidation and violence aimed at journalists, often in connection with stories that exposed corruption or the increasing activities of drug cartels, or critiqued government officials. In addition to receiving multiple death threats following his investigations of alleged police corruption, Guatevisión TV correspondent Oscar de León had his van shot at in Quetzaltenango in late January. Banners were hung by members of a drug gang in four different provinces in Petén in May, threatening the media against covering their activities. President Álvaro Colom had recently declared a state of siege in Petén in response to the gang's massacre of 27 farmworkers. Arrests were made of those responsible for the banners. Also in May, journalist Eduardo Villatoro received death threats for his reports in *La Hora* newspaper that criticized the government for granting a license for the exploitation of natural

2012 SCORES

PRESS STATUS

Partly Free

PRESS FREEDOM SCORE

60

LEGAL ENVIRONMENT

16

POLITICAL ENVIRONMENT

26

ECONOMIC ENVIRONMENT

18

resources in the coastal regions, and the environmentally threatening construction of a liquid gas storage plant. In October, journalist Lucía Escobar was forced to flee with her family in the face of threats following a piece that she wrote for *el Periódico* that criticized a municipal security commission in the city of Panajachel of extralegal activities and the disappearance of a city resident. Several journalists were also assaulted in separate incidents related to the second electoral round of the presidential election in November, mostly at the hands of security members of the candidates.

Newspaper ownership is in the hands of business elites with generally centrist or conservative editorial stances. There are four major daily papers, all privately owned. Electronic media ownership is concentrated in the hands of Angel González of Mexico, a politically connected entrepreneur who favors conservative perspectives and controls Guatemala's four main private television stations. There are two licensed state television channels, but they are not currently broadcasting. One state-owned radio station competes with numerous private stations. The local print media continued to accuse Colom's administration of using public advertising funds in a discriminatory fashion to punish or reward media outlets. The media also complained that the president and other high-level officials used smear tactics to publicly discredit journalists.

There were no reports of government restrictions on internet usage, and the medium was accessed by about 12 percent of the population in 2011.

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