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Freedom Of The Press - El Salvador (2011)

Status: Partly Free
Legal Environment: 11
Political Environment: 17
Economic Environment: 14
Total Score: 42

Freedom of the press is protected under the constitution, and Salvadoran journalists are generally able to report freely on the news. Critical reporting on the government and opposition parties is for the most part permitted. At the same time, press freedom is hindered by a lack of public transparency, reflected in the absence of freedom of information legislation. The penal code grants judges the right to restrict media access to legal proceedings in cases they deem of importance to national security, or determine that the publicity would prejudice the case. A court decision in August 2007 declared that media workers would no longer be summoned to testify in criminal cases. In March 2010, the Legislative Assembly introduced a motion to subject staffers to a polygraph test in order to identify individuals who had leaked information to the media concerning a salary increase for legislators. The request was withdrawn amid vocal public opposition. In one of the year's most controversial legal cases involving the press, freelance journalist María Haydee Chicas was arrested on July 2, along with 13 other individuals, while reporting on a demonstration in Suchitoto against government plans to privatize water distribution in the region. Chicas was charged with committing an "act of terrorism" under El Salvador's 2006 Antiterrorism Law. Although Chicas was granted provisional release on July 23, the government did not lift the terrorism charge, which carries a sentence of up to 15 years in prison.

In May 2010, the president, government officials, and the media jointly recommended that legislative bodies create access to information legislation and decriminalize libel and defamation as part of the outcome of an Inter American Press Association conference. However, in September, the Supreme Court declared that Article 191 of El Salvador's Penal Code—which exempted journalists from imprisonment if they were convicted of libel and defamation offenses against government officials—was unconstitutional. In December, the legislative assembly approved the Transparency and Public Information Access Law, but the president had yet to sign or veto the legislation.

Although El Salvador is generally a safe place to practice journalism, there are still sporadic threats against journalists, especially in the provinces. According to Reporters Without Borders, Radio Victoria, a community radio station in the northern department of Cabañas that has been supporting environmental activists in their opposition to a Canadian company's local gold-mining operations, received threats in January 2010 just days after two more activists were murdered. Journalists from the radio station again received death threats in late April and early May. In a positive development, in October, authorities arrested Iván Antonio Leiva, another suspect in their investigation into the September 2009 murder of Christian Poveda, a documentary

filmmaker with dual French and Spanish nationality. Antonio Leiva, 23, is an alleged member of the "Mara 18" gang, which was the subject of Poveda's film. In total, 37 suspects were indicted in connection with the murder.

While there are five daily newspapers, each with an estimated circulation of 250,000, most of the country depends on privately owned television and radio networks for news. Limited resources prevent many media outlets from producing to their full capacity, and self-censorship is often exercised to avoid offending media owners, editors, and government officials. According to the United Nations Special Rapporteur for Freedom of Expression, there is little access to community radio stations due to the bidding method used to grant radio frequencies. There were no reported government restrictions on the internet. Access to the internet was limited to 15 percent of the population in 2010.