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## FREEDOM OF THE PRESS

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# Argentina

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In 2012, tensions increased between the government of President Cristina Fernández de Kirchner and critical media outlets, particularly those belonging to Clarín Group, Argentina's main media conglomerate. This hostility has increased media polarization and hampered the public's ability to access unbiased information.

The constitution provides for freedom of the media and of expression. In a positive step, libel and slander offenses for journalists were decriminalized in 2009 and are no longer punishable by imprisonment. Fines can still be issued in civil cases. In December 2012, the head of the Federal Revenue Administration (AFIP), Ricardo Echegaray, sued journalists Matías Longoni and Luis Majul for almost \$275,000 each in separate cases, claiming that they had sullied his reputation. Longoni's reporting on irregularities in the awarding of subsidies by a state office Echegaray previously headed had formed the subject of a 2011 book, while Majul had accused the AFIP of exerting financial pressure on his production company. The press freedom group Argentine Journalism Forum (FOPEA) denounced

Echegaray's suits as abuses of the judicial system.

In 2009, the legislature passed the Law on Audiovisual Communication Services, also known as the Ley de Medios (Media Law), which aimed to diversify ownership in the heavily concentrated broadcast sector. Many press analysts agree with its basic goals, but allegations that the law would be used against the government's media opponents spurred lawsuits that initially hindered its implementation. The overall legislation took effect in September 2010, but Article 161, which would force certain media companies—most notably Clarín Group—to relinquish licenses and sell off assets, remained suspended pending a Supreme Court ruling on a challenge filed by Clarín that year. In December 2012, the company won a last-minute ruling that again delayed application of the article. Critics have also raised concerns over the law's provisions with regard to appointments to the broadcast regulatory body, which are heavily weighted in the president's favor.

In December 2011, Congress passed two contentious pieces of legislation affecting the media. The first, an amendment to the antiterrorism law, increased penalties for terrorist acts. An interpretation of the law by the head of Argentina's Financial Investigations Unit stated that news outlets could be held accountable under the expanded clauses if they published material that "terrorizes" the public. Although the government has stated that the law is not intended for use against the media—and it has not been used against a media outlet or journalist to date—it nevertheless remains a concern. The second law 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 state (with a stake of about 27.5 percent) and the media companies Clarín and La Nación, both of which are often critical of the government. Under the new law, the government can increase its stake in the company if it fails to produce enough newsprint to satisfy the demand of all newspapers in the country, which could lead to eventual government control of the newsprint supply. A government-appointed commission, which includes representatives from every newspaper except *Clarín* and *La Nación*, is tasked with overseeing the law's implementation.

Argentina does not have a federal access to information law, but some provinces and municipalities do have such legislation in place. President Fernández has held few official press conferences; instead, she has made use of *cadenas*—nationwide presidential addresses that preempt programming on all radio and television stations—in some cases to attack journalists. By law, *cadenas* are to be used only

to communicate with the public in times of crisis.

Local media outlets and press freedom groups denounced increasing reports of politicized editorial pressure in 2012. For example, FOPEA highlighted the case of 100 journalists from Grupo Uno, a pro-Fernández media group, who in December signed a letter to the group's owner that urged greater editorial independence after a series of ethically questionable changes were allegedly made to their work by editors and the owner, businessman Daniel Vila. In response to the reporters' charge that the revisions were designed to advance Vila's broader business interests, he reportedly stated that those who did not like the practice could leave. In another case in March, television channel C5N reportedly received government orders to suspend a program mid-broadcast, as the host was interviewing a former government minister who was critical of Fernández.

Extreme violence against members of the press is very rare in Argentina, and no journalists were murdered in 2012. However, FOPEA registered 172 attacks against the media—including threats, assaults, attacks on media facilities, confiscation of equipment, and obstruction of coverage—for the year, a jump of more than 40 percent from 2011. In May, an unidentified gunman walked into the offices of the Cadena Nueve radio station in Buenos Aires Province and threatened program host Gustavo Tinetti with death, warning him not to publish “the rest of the information that we know you have.” According to the Committee to Protect Journalists, the threats were in response to Tinetti's coverage on Cadena Nueve's website of an investigation into tax evasion by a local mayor. In June, several journalists in the Malvinas Argentinas district of Buenos Aires were attacked by supporters of the district mayor, Jesús Cariglino, while they were covering a demonstration outside a hospital. In a December incident in Bariloche, Río Negro Province, the car of Rodrigo Saliva, a street reporter for cable news channel Todo Noticias, was destroyed by a mob while he was reporting on looting at a supermarket.

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 Clarín Group commanding a significant share of the print, broadcast, and internet service markets. Meanwhile, many radio stations operate on temporary licenses pending regulatory reform. The internet is widely available, with 56 percent of Argentines accessing the medium in 2012. There are no government restrictions on the internet.

As in past years, the government was accused in 2012 of manipulating the distribution of official advertising to limit free speech, a practice termed “soft censorship” that had been institutionalized under the administration of former president Néstor Kirchner, the current president’s late husband. For example, *Clarín* and *La Nación*, 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, while other newspapers with a small fraction of the circulation receive significantly more official advertising. The problem has persisted despite a 2007 Supreme Court ruling 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 the Inter American Press Association (IAPA), in the first eight months of 2012, the government spent 70 percent more in advertising than during the same period of the previous year. Meanwhile, the state’s purchase of the broadcast rights to top-league soccer matches has cost the government \$800 million over three years and given it a large audience for its advertisements. As in 2011, the distribution of *Clarín* and *La Nación* was blocked twice in 2012 by members of the newspaper vendors’ union in Buenos Aires. The IAPA denounced the moves as an attack on freedom of the press and criticized the “passive conduct” of the government toward these actions.

## 2013 SCORES

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