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FREEDOM OF THE PRESS

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Bolivia

[Bolivia](#)[Freedom of the Press 2013](#)

Press freedom in Bolivia deteriorated in 2012 as the government of President Evo Morales used the 2010 Law against Racism and All Forms of Discrimination to intimidate and stifle the media. In addition, the number of threats and physical attacks against journalists and media outlets rose during the year.

Bolivia's 2009 constitution protects freedom of speech and of the press, 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. In March 2012, Rogelio Peláez of the monthly news journal *Larga Vista* was sentenced by a criminal court in La Paz to 30 months in prison for defaming lawyer Waldo Molina in a 2010 article that accused him of improper receipt of government funds linked to a corruption case. In October 2012, the Constitutional Tribunal struck down Article 162 of the penal code, which criminalized libel of

public officials, though the scope and overall effect of the ruling remained unclear at year's end. An electoral law enacted in 2010 also curtails press freedom. Article 82 of the law restricts coverage of judicial elections, forbidding the publication or broadcasting of any information about the candidates that is not released by the electoral authorities. In February 2012, the government announced that it would not move forward with a controversial new press bill proposed by the Morales administration in 2011. The country's three main journalist organizations had opposed the legislation, which would have replaced Bolivia's existing press law, enacted in 1925. Under that law, media organizations are supposed to practice self-regulation and enforce their own code of ethics.

The Law against Racism and All Forms of Discrimination, which falls under the penal code, attempts to address degrading portrayals of indigenous people in the media and their limited access to media outlets. The law grants authorities the power to fine or shut down news outlets and arrest journalists for published material that is deemed to be racist. Media organizations can face sanctions even if a supposedly racist remark is uttered by a source or interviewee and is not the position of the media organization. By applying the penal code to journalists, the law also seeks to do away with journalists' right to appeal to self-regulating press bodies, as called for in the country's press law. In August 2012, Morales's government used the law against the media for the first time, filing charges against three outlets: the news agency Fides (ANF) and the newspapers *El Diario* and *Página Siete*. The government alleged that they had distorted the president's words in a speech blaming hunger in eastern Bolivia on lazy people. The case remained under investigation 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. The Ministry of Institutional Transparency and the Fight against Corruption is responsible for the implementation and execution of the National Policy on Transparency for all national government entities. However, officials of the National Press Association (ANP) has noted that the ministry "does not fulfill its role" and instead complicates access to information for journalists. Exacerbating the problem is the lack of a requirement for the government to archive official documents.

The country's regulatory framework is increasingly being used to limit 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 2012, some journalist unions and the ANP criticized the newly enacted Life and Disability Insurance Law for Press Workers because the insurance would be funded by a tax on media companies’ revenue, and the fund would be managed by a government-controlled board.

Journalists work in a polarized political environment, with strong rivalries between pro- and antigovernment outlets and sporadic threats against government critics by elected officials. Government officials regularly use negative rhetoric against the news media, particularly against commentators who are critical of the president’s policies. In October 2012, Vice President Álvaro García Linera declared that the government keeps track of the names of people who insult the president via social media. Opposition journalists often engage in self-censorship to avoid being persecuted or harassed by the authorities or government supporters. In February, almost 47 percent of the journalists surveyed in an ANP poll admitted practicing some form of self-censorship.

Bolivian journalists continued to experience threats and physical attacks in 2012. The ANP counted 10 physical and 27 verbal attacks during the year, most of which remained unsolved at year’s end. The most serious attack, in October, was directed at local station Radio Popular in Yacuiba, near the border with Argentina. Four intruders poured gasoline on the station manager, Fernando Vidal, and then set him on fire. Vidal had recently reported on alleged corruption among local customs agents. Vidal and a technician, Karen Arce, were hospitalized with serious burns. Among other incidents, two community radio stations in the mining town of Colquiri were attacked with explosives in June and forced to suspend broadcasts during labor violence that shook the region. In September, Percy Fernández, the politically independent mayor of the eastern city of Santa Cruz, engaged in repeated verbal attacks against journalists and threatened the lives of the editor and staff of the daily *El Deber*. In October, two executives of a local newspaper briefly fled to Brazil because they feared arrest after reporting on government

corruption in the northern department of Pando. In November, journalists' advocate and *El Diario* editor Ghilka Sanabria was severely beaten in La Paz. The circumstances of the beating led to suspicions that it was related to her work as a journalist.

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 vehicles for government influence. The government news agency, the Bolivian Information Agency, provides a free news service via the internet to both public and private channels nationwide. Bolivia's television stations and eight national and numerous local newspapers are for the most part privately owned, but many owners are tied to political parties or linked to the government. Private media ownership is highly concentrated. Internet penetration is limited but expanding, with 34 percent of Bolivians accessing the medium in 2012.

2013 SCORES

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Partly Free

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