Colombia’s 1991 constitution guarantees the rights to freedom of expression and freedom of information. However, attacks and threats against reporters persisted in 2012, and the government continues to restrict the independence of journalists through criminal defamation charges and legislation.

Defamation remains a criminal offense, and there were two major cases in 2012. In February, an appeals court in the department of Cundinamarca upheld a lower court’s libel conviction of Luis Agustín González, editor of the newspaper *Cundinamarca Democrática*, while annulling a defamation charge. González had written an editorial in 2008 that criticized a former governor of Cundinamarca. His punishment was slightly reduced, to 18 months of jail time and a financial penalty of 17 months’ wages. Colombia’s Supreme Court heard appeals in the case in October but had not rendered a decision by year’s end. Separately, in August the Supreme Court’s Criminal Tribunal announced that it would file defamation charges against Cecilia Orozco of the Bogotá daily *El Espectador* for an opinion piece in which she criticized the court. Several days later, after an outcry from
Colombian and international press organizations, the Supreme Court announced that it would drop the charges.

Several laws or pending legislation in 2012 attracted concern from press freedom advocates due to their potential to restrict the media. A consumer statute that took effect in April assigns the media partial liability in cases of grossly misleading advertising. A decree passed in August forces telecommunications companies, including internet service providers, to create back doors that will facilitate government monitoring of citizens’ online activity. Throughout the year, Congress continued to debate changes to the electoral code that many media experts believed would place unconstitutional limits on political communication during campaign periods.

In June 2012, Congress passed a new Access to Public Information Law intended to buttress existing rights guaranteed by the constitution and the 1985 Law Ordering the Publicity of Official Acts and Documents. The new law requires government agencies to make documents related to public contracts, budgets, and personnel available to the public. It reduces the maximum period that such information can be kept confidential from 30 to 15 years, though the government may extend that period for an additional 15 years under certain conditions. The law states that the government may not withhold an entire document if only portions of it have been classified, and mandates the creation of an index of reserved or classified documents. Though generally seen as an improvement on existing laws, the new legislation has generated criticism from media groups in Colombia, particularly for the broad power it grants the government to withhold information from the public and for its failure to designate a single agency to implement the law. The Constitutional Court must ratify the measure before it takes effect.

Two official bodies are responsible for regulating and licensing the broadcast media. The Ministry of Information Technologies and Communications regulates the licensing of radio outlets. In 2012, the nominally independent National Television Authority (ANTV) replaced the National Commission on Television (CNTV) as the television regulator. The CNTV was regarded as highly politicized in practice, with the process of licensing a third private television station drawing particular criticism in recent years. No licensing is necessary for print media.

Death threats, kidnappings, and physical attacks against journalists remain a serious concern in Colombia. The Committee to Protect Journalists (CPJ) reported
92 threats against journalists as of early December 2012, the same number as in 2011. Consequently, self-censorship is a problem, particularly in rural settings and during election periods. In April 2012, CPJ reported on three radio journalists who were forced to flee their home regions because of intimidation. Topics considered sensitive include corruption, organized crime, drug trafficking, and extrajudicial executions.

There were two kidnappings of journalists in 2012. In April, Romeo Langlois of France 24 television was kidnapped by the rebel Revolutionary Armed Forces of Colombia (FARC) during a battle between the leftist guerrillas and government troops. The FARC held Langlois for more than a month, claiming he was a prisoner of war, before releasing him on May 30. In July, a reporter for the radio station Sarare Estéreo was kidnapped and held for three weeks by the National Liberation Army (ELN), another rebel group, and the station was hit by a grenade attack in early August.

One journalist was killed in 2012 for reasons related to his work, while the motive behind another murder remained unconfirmed. Freelance journalist Guillermo Quiroz Delgado died in November from injuries he suffered at the hands of the police. He was covering a protest in the department of Sucre when he was detained and allegedly beaten and thrown off the back of a police truck. Quiroz had previously angered local officials with his reports on police brutality and corruption in local government. Three police officers were suspended pending an investigation. In March, Argemiro Cárdenas Agudelo, a radio journalist and former politician, was shot dead in the western department of Risaralda, though the motive remained unclear at year’s end. In May, Fernando Londoño, a radio talk-show host, newspaper columnist, and former interior minister, was injured in a bombing in Bogotá that was believed to have been carried out by the FARC.

There was some progress in combating impunity in 2012, though it continues to be a major problem. A 2010 reform extended the statute of limitations for violent crimes against journalists and human rights defenders committed after 2000 from 20 to 30 years, though the previous limit still applies to older crimes. No statute of limitations applies to acts that are designated as crimes against humanity. In 2012, the Senate was considering a law that would eliminate the statute of limitations in cases of homicide, torture, or forced disappearance when the victim is a journalist, human rights defender, or member of a labor union. In another positive development, in February, Edgar Ariel Córdoba Trujillo was sentenced to 24 years
in prison for the 2001 murder of journalist Álvaro Alonso Escobar. There were further delays, however, in the trial of Ferney Tabasco, a former congressman accused of masterminding the 2002 murder of the managing editor of the newspaper La Patria, Orlando Sierra. The government operates an extensive program that provided protection to scores of journalists in 2012, although reporters have criticized the program’s effectiveness and occasionally accused the bodyguards of spying.

Media ownership is highly concentrated among a few 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 three public television stations, but the two private free-to-air networks dominate the ratings. The pattern in radio is similar, with the two public national radio stations attracting a small audience share. There are hundreds of community radio stations, which sometimes face pressure from the government and armed groups. Local media depend heavily on advertising by regional and municipal government agencies to stay in business, encouraging collusion among media owners, journalists, and officials. A 2012 bill mandating a 30 percent reduction in official advertising, intended to combat corruption, could affect the economic viability of some local media outlets.

There are few government restrictions on access to the internet, and 49 percent of the population had regular access in 2012. An increasing share of the public is using social-networking websites such as Facebook, and digital communication is proving an effective tool against censorship, corruption, and organized crime for many journalists.

2013 SCORES

PRESS STATUS
Partly Free
PRESS FREEDOM SCORE

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LEGAL ENVIRONMENT

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POLITICAL ENVIRONMENT

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ECONOMIC ENVIRONMENT

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