

JOIN OUR MAILING LIST[About Us](#) | [DONATE](#) | [Blog](#) | [Mobile App](#) | [Contact Us](#)[REGIONS](#)[ISSUES](#)[Reports](#)[Programs](#)[Initiatives](#)[News](#)[Experts](#)[Events](#)[Donate](#)

## FREEDOM OF THE PRESS

[- View another year -](#)

# Guatemala

[Guatemala](#) | [Freedom of the Press 2013](#)

Guatemalan journalists continued to work under difficult conditions in 2012. Article 35 of the constitution ensures freedom of expression, which is generally respected by the government. However, the Guatemalan press is subject to several legal restrictions, 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.” No legal cases were known to have been brought against journalists or outlets during 2012. Libel and defamation, however, remain part of the criminal code, with penalties of up to five years’ imprisonment, and business and political leaders regularly threaten to sue journalists under these provisions. Repeating another person’s defamatory statement is also a crime, with similar penalties.

Despite the 2008 Law for Free Access to Public Information, obtaining information remains difficult in practice, especially for journalists covering corruption in regions outside the capital. Under proposed modifications to the 2008 law, introduced in February 2012, diplomatic and military records would

become confidential, and time restrictions on holding classified information would be eliminated. Separately, legislators approved a measure in February blocking press access to certain closed-door sessions. This step was ostensibly taken to restrain attention-seeking congressional members and preserve the prestige of the body.

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. As such, community radio stations are at a particular disadvantage, and are not even recognized as broadcasters under the law. At the end of 2012, the General Telecommunications Law went into effect, further restricting community radio. The new law, which was strongly opposed by the UN Office of the High Commissioner for Human Rights in Guatemala and various press freedom groups, was criticized for offering existing commercial radio frequency holders a simple process for 25-year frequency renewals—five years more than the previous law. This in turn restricted indigenous communities' access to radio frequencies. Opponents argue that the new law allows unrestricted ownership and constitutes a blow to media pluralism. Under both the previous law and the new one, dozens of community radio stations that had yet to be assigned frequencies were forced to operate without a license and, therefore, were vulnerable to the threat of closure and confiscation of equipment. The 1996 Peace Accords that ended the Guatemalan civil war gave indigenous groups the right to their own media, but the licensing restrictions of the new law ensure that those guarantees will remain unimplemented. In May, police raided two community stations—which were technically operating illegally—in the city of San Miguel Chicaj, Radio Uqul Tinamit and Jun Toj, and arrested radio journalist Bryan Espinoza.

In 2012, there were cases in which government officials pressured the media or censored content. In May, six local television stations in Mazatenango were shut down after local mayor Roberto Lemus proclaimed that criticism of his administration would not be tolerated and pressured the stations' parent company, Cable DX, to close the stations. Similarly, in August the television program *Free Expression*, led by journalist Evaristo García in the town of Nueva Concepción, was cancelled after the local mayor complained to the station's owner that the show criticized his administration. Sporadic cases of violence against the press by drug traffickers and other criminal organizations continued in 2012 and were rarely prosecuted, encouraging self-censorship. A report from the Center for Informative

Reports on Guatemala (CERIGUA) attributed self-censorship among the Guatemalan press to intimidation by criminal gangs, including the country's infamous *maras*. As one example, CERIGUA reported on the suppression of media coverage of protests against criminal extortion in the Chimaltenango market following gang intimidation.

A number of journalists received death threats or were assaulted during 2012. Media rights groups reported a number of cases of extralegal intimidation and violence aimed at journalists, often in connection with stories that exposed corruption, criticized government officials, or described the increasing activities of drug cartels. While no journalists were killed in 2012, CERIGUA noted 35 instances of aggression against journalists during the year—two more than in 2011—and 53 complaints were filed with the special prosecutor for crimes against journalists. In July, photojournalist Luis Soto of *El Periódico* was hit in the head with a rock while covering a student protest in Guatemala City. In February, Víctor Espino, a radio and newspaper reporter in the department of Jalapa, filed a complaint stating that he had been threatened by police while trying to cover a vehicle accident. In October, newspaper columnist Carolina Vásquez Araya received death threats after denouncing sexual abuse against girls on a cotton plantation. In November, members of the Independent Media Center journalist network were threatened with lynching and maiming by employees of the mining company Exmingua.

In a stride against impunity, in August a judge sentenced Juan Manuel Ralón, the vice president of the Safety Commission of Panajachel, to nearly four years in prison for threatening journalist Lucía Escobar. In 2011, death threats had forced Escobar into hiding after she wrote about the commission's abuses of authority and extralegal activities.

Newspaper ownership is in the hands of business elites who maintain centrist or conservative editorial stances. There are four major daily papers, all privately owned. Electronic media ownership is concentrated in the hands of Ángel González, a politically connected Mexican entrepreneur who favors conservative perspectives and controls Guatemala's four main private television stations. One state-owned radio station competes with numerous private stations. Some media owners allege that the government allocates advertising unevenly in favor of supportive outlets. Bribery of journalists remains a concern. In August, newspaper reporter Enrique García accused congressman Estuardo Galdámez of trying to

bribe him by “gifting” him a bag of cash. There were no reports of government restrictions on internet usage, and the web was accessed by about 16 percent of the population in 2012.

## 2013 SCORES

PRESS STATUS

**Partly Free**

PRESS FREEDOM SCORE

**59**

LEGAL ENVIRONMENT

**16**

POLITICAL ENVIRONMENT

**25**

ECONOMIC ENVIRONMENT

**18**

[About us](#)

[Careers](#)

[Contact Us](#)

[Privacy Policy](#)

[Credits](#)

[Subscribe](#)