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FREEDOM OF THE PRESS

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Uruguay

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

The 1967 constitution provides for press freedom and freedom of expression, and the government generally respects these rights. Uruguay's legal framework for the media is considered one of the best in the Americas, with effective community media regulations and laws protecting access to information. However, some statutes continue to present obstacles to journalists.

Laws protecting the privacy of children may be overzealously applied. In September 2012, the Institute for Children and Adolescents (INAU), an executive branch agency, placed a lien on the facilities of the newspaper *El Heraldo* in the city of Florida and fined it \$5,300 for violating the Childhood and Adolescence Code. The code purports to protect minors' right to privacy and, as of 2006, moved sanctioning power for infractions from the courts to INAU itself, meaning penalties can be imposed without judicial review, according to the Inter American Press Association. At issue in the *El Heraldo* case was a 2008 article that mentioned the nickname of a minor who had been charged with murder and several armed robberies. Officials at INAU claimed that the article identified the

youth, who allegedly had been involved in gang activity. The newspaper's editor said it would no longer write about minors and accused the government of seeking to quash negative news.

An initiative to decriminalize defamation in 2009 was left incomplete, and reporters remain vulnerable to prosecution. Articles about "dirty war" crimes by officials during Uruguay's right-wing dictatorship (1973–1985) still occasionally prompt reprisals against journalists. In March 2012, lawyers for Juan Carlos Larcebeau, a naval officer charged with human rights violations from that period, petitioned to bring criminal defamation charges against investigative journalist Roger Rodríguez of the newsmagazine *Caras y Caretas*. Rodríguez had received anonymous threats via social media in 2011 for his reporting on dictatorship-era human rights abuse accusations against armed forces members. The 2012 case involved an article in which Rodríguez allegedly misidentified one of the defendant's lawyers and misrepresented the defense's legal strategy. The defamation petition remained unresolved at year's end.

The Ministry of Interior has classified nearly all of its work under a national security exemption contained in the Access to Public Information Law. Several other ministries also declare portions of their work to be exempt from disclosure obligations, though to a lesser extent.

Thirty-one journalists were killed or disappeared during the Uruguayan dirty war, and in 2012 the courts made some progress on investigations into the crimes. In March, former police officer Juan Ricardo Zabala was tried on charges that he acted as an accomplice in the military-ordered murder of journalist and labor activist Julio Castro, whose remains were discovered on military property in 2011. Zabala admitted kidnapping Castro in 1977 and said his jailers decided to execute the journalist after his health declined rapidly during torture. The discovery of Castro's remains had convinced President José Mujica to revoke a controversial amnesty law, allowing the case to be investigated and charges to be filed. Zabala faces 15 to 30 years in prison if convicted.

The press is privately owned, and Uruguay hosts more than 100 daily and weekly newspapers. There are no government restrictions on internet use, and penetration is high relative to the rest of Latin America, with about 55 percent of the population accessing the medium in 2012. The broadcast sector is mostly private, with the exceptions of the state-owned television station and radio outlet. Ownership of commercial free-to-air and subscription television stations is

concentrated in three companies, but community media and nongovernmental advocates of media diversity are highly organized in Uruguay and have put ownership concentration on the political agenda. In March, Mújica issued a preliminary decree that will allot the country's digital television spectrum in a pluralistic manner. Commercial, public, and community broadcasters will each receive about a third of the frequencies. The initial decree stated that while current commercial operators would keep analog channels and be awarded a digital channel, their proposals would be discussed in public hearings and subject to review by a government board made up of government, commercial, and nonprofit representatives. However, in the final decree published in December, the president rejected the recommendations of his nongovernmental advisers and removed incumbent commercial operators from the public hearing and review requirements. The World Association of Community Radio Operators (AMARC) also accused the president of effectively extending commercial concessions to 25 years, since only a cursory review would be held to renew the concessions after 15 years.

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