



Freedom of the Press 2015 - Guatemala

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2015 Scores

Press Status: Partly Free

Press Freedom Score (0 = best, 100 = worst): 60

Legal Environment (0 = best, 30 = worst): 18

Political Environment (0 = best, 40 = worst): 24

Economic Environment (0 = best, 30 = worst): 18

International organizations expressed concern in 2014 over increasing press freedom violations in Guatemala and the government's disturbing use of the courts to target journalists and media organizations. However, in contrast to past years, no killings of journalists took place.

Legal Environment

Freedom of expression is guaranteed under Article 35 of the constitution and in general is respected by the government, though not without complications. 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" and programs "contrary to morals and good etiquette." Libel and defamation remain part of the criminal code, with penalties of up to five years' imprisonment, and business and political leaders increasingly used these provisions in 2014. Repeating another person's defamatory statement is also a crime, with similar penalties. As such, authorities, politicians, business elites, and others often use the courts in an effort to silence the press. In particular, the newspaper *ElPeriódico* and the magazine *ContraPoder* came under attack in 2014. Guatemalan President Otto Pérez Molina and Vice President Roxana Baldetti have filed numerous libel suits against *ElPeriódico* editor José Rubén Zamora, who in January was prevented from leaving the country and had his bank accounts frozen. Although the president withdrew his criminal complaint (he has threatened to pursue the case in civil court), Baldetti's lawsuit still stands. In July the president of the Guatemalan Social Security Institute, Juan de Dios Rodríguez, filed more than 30 criminal complaints against Zamora and other *ElPeriódico* editors. He also urged "all the regulatory bodies" to take action against Zamora, via the courts or taxation. In April, the editor of the magazine *ContraPoder*, Juan Luis Font, was accused of criminal libel by six members of the political party Libertad Democrática Renovada (LIDER). Font had written an article in March questioning the support for the LIDER presidential candidate, Manuel Baldizon. Despite a public apology and published correction, the legal complaint – demanding \$3.8 million in damages – was expanded to include the entire magazine's staff. *ElPeriódico* was also subject to tax

audits in 2014 that press organizations considered an additional means of silencing oppositional voices.

Guatemala passed an access to information law in 2008, but obtaining information remains difficult in practice, especially for journalists covering corruption in regions outside the capital. Moreover, the law is weakened by a lack of sanctions for noncompliance. In a 2014 investigation, online news site Plaza Pública found that 46 percent of government institutions were not in compliance with a regulation requiring them to submit annual reports on how they responded to the public's information requests. Of those not in compliance, about 49 percent were municipal development entities and 28 percent mining extraction companies.

Throughout 2014, community radio stations and international organizations continued to protest the General Telecommunications Law, which went into effect at the end of 2012. Advocates of community radio stations argue that the law's perfunctory license renewal process constrains community radio operators from gaining access to broadcast frequencies. As a result, community radio stations are vulnerable to being shut down. For example, two community stations in the western department of Quiché – Estéreo Luz and La Voz de Sonora – were closed in April after armed police raids. Police had no warrants and no reason was given for the stations' closures. 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.

Political Environment

During a vice presidential press conference in September, a reporter and a photographer from *El Periódico* were attacked verbally and physically by security agents, who also broke the photographer's equipment. The incident occurred two days after the newspaper accused the government of spying on it. In September, police arrested *Prensa Comunitaria* journalist Norma Sut Sansir as she was on her way to cover a protest in the southern department of Chiquimula.

A 2014 report from the Center for Informative Reports about Guatemala (CERIGUA) documents 199 violations of freedom of expression from 2010 to 2014, 54 of which took place in 2014. Numerous other journalists reported assault, harassment, or detaining. Although much of the violence is attributed to criminal gangs and drug traffickers, the report states that public officials represent the most frequent aggressors. These attacks occur against a backdrop of almost total impunity, leading to widespread self-censorship.

No journalists were killed in Guatemala in 2014, though attacks against journalists continued. In February, journalist Nery Morales of Canal Óptimo 23 survived a shooting attack as he drove home. In another case, Dadiana Cabrera, a journalist with Guatevisión TV, was undergoing prosecution on charges of attacking police in February, in a case that Reporters without Borders referred to as "absurd." In July 2014, Ana Margarita Castillo Chacón was named director of a president-initiated prevention-oriented Journalist Protection Program established in 2013, but little other progress has been made on the program. Some journalists, while recognizing the importance of such a program, are suspicious of the government's motives.

Economic Environment

The internet was accessed by nearly a quarter percent of the population in 2014, and there were no reports of government restrictions on internet usage. Newspaper ownership is in the hands of business elites who maintain centrist or conservative editorial stances. All four major daily papers are privately owned. Broadcast television is concentrated in the hands of Ángel González, a politically connected Mexican entrepreneur who controls Guatemala's four main private television stations and favors conservative perspectives. Online news sites, such as Plaza Pública and Nómada, attempt to offer independent, investigative information in an effort to challenge the country's oligopoly. On radio, one state-owned station competes with numerous private stations. Some media owners allege that the government allocates advertising unevenly in favor of supportive outlets and that it pressures private companies to pull their advertising from unfriendly media stations. *ElPeriodico* has not received state advertising since 2013, and its reporters have no access to the presidential palace. Bribery of journalists remains a concern.

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