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Freedom of the Press 2011 - Guatemala

Status: Partly Free

Legal Environment: 16

Political Environment: 25

Economic Environment: 18

Total Score: 59

Guatemalan journalists continued to work under difficult conditions in 2010. Article 35 of the constitution ensures freedom of expression, which is generally respected by the government. Libel and defamation, however, remain crimes with penalties of up to five years imprisonment. Repeating another person's defamatory statement is also a crime, with similar penalties. There are several legal restrictions on press freedom, 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." Positively, no legal cases were reported to have been brought against journalists during 2010. Access to information remains difficult in practice, especially for journalists covering corruption outside the capital, despite the Law for Free Access to Public Information, which was passed in April 2009.

There is no independent media regulation and licensing body, and the government controls the allocation of airwaves through public auctions that require bidders to meet technical and financial benchmarks. In August 2010, an initiative to legalize community radio stations was introduced in Congress. Community radio has long operated outside the law in Guatemala, but there were no new reports of station closures.

Sporadic cases of violence against the press by drug traffickers and other criminal organizations continued and were rarely prosecuted, encouraging self-censorship. A number of journalists also received death threats during the year. Journalists working in the rural areas were the most vulnerable to intimidation. Media groups reported a number of cases of extralegal intimidation and violence aimed at journalists, often in connection with stories exposing corruption, or which critiqued government officials. According to the Media Observatory, a Canadian nonprofit organization, there were 18 cases involving violations of freedom of expression in 2010. In October, the host of the television opinion program *Libre Encuentro*, businessman Dionicio Gutiérrez, announced his retirement from the program due in part to increased harassment and intimidation, and because he had received death threats. Gutiérrez was a frequent critic of the current administration. In May, a group of unidentified individuals broke into the offices of Centro Civitas, a nonprofit organization working with press freedom advocacy groups, and stole computers and files. Later in the year, Marvin del Cid Acevedo, an

investigative reporter from *elPeriodico*, received numerous death threats and had his home broken into twice while he was investigating several stories involving drug trafficking and government arms trades. During the first break-in, two computers were stolen and the assailants left a message written on a mirror saying, "You will die." On September 27, Víctor Hugo Juárez, a journalist and businessman who owned two online media outlets, *Wanima News* and *Guatemala Empresarial*, was found murdered at the home of a friend, Byron Dávila Díaz, who was also killed. The crime remained unsolved at year's end, and it is unclear if Juárez's murder was connected to his work.

Newspaper ownership is in the hands of business elites with generally centrist or conservative editorial stances. There are four major daily papers, all privately owned. Electronic media ownership is concentrated in the hands of Angel Gonzalez of Mexico, a politically connected entrepreneur who favors conservative perspectives and controls four of Guatemala's six private television stations. There are two licensed state television channels, but they are not currently broadcasting. One state-owned radio station competes with numerous private stations. The local print media continued to accuse President Alvaro Colom's administration of using public advertising funds in a discriminatory fashion to punish or reward media outlets. The media also complained that the president and other high-level officials used smear tactics to publicly discredit journalists. There were no reports of government restrictions on internet usage, and the medium was accessed by about 10.5 percent of the population in 2010.

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