Freedom of the Press 2015 - El Salvador

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2015 Scores

Press Status: Partly Free
Press Freedom Score (0 = best, 100 = worst): 39
Legal Environment (0 = best, 30 = worst): 9
Political Environment (0 = best, 40 = worst): 16
Economic Environment (0 = best, 30 = worst): 14

Legal Environment

El Salvador's constitution protects press freedom, and Salvadoran journalists are generally able to report freely. Critical coverage of the government and opposition parties is for the most part permitted. Imprisonment for slander, libel, and defamation was abolished in 2011, but such offenses are still adjudicated under the penal code, which prescribes fines and possible job suspensions of between six months and two years for journalists convicted of insult crimes.

A new press law that went into effect in September 2013 requires media outlets to publish or broadcast word-for-word "responses" from anyone who feels coverage of them was inaccurate or offensive. This Special Law for the Right to Rectification or Response allows for jail sentences of one to three years for journalists with media outlets that fail to publish verbatim letters of response within a certain time frame. In February 2014, outgoing President Mauricio Funes called on three newspapers that had reported on a legal complaint filed against him to provide space for his response, though he later dropped the demand. In December, the president of the Legislative Assembly, Sigfrido Reyes, demanded that the newspaper *La Prensa Gráfica* give him space for a response, but it refused on the grounds that Reyes had been sought unsuccessfully for comment prior to publication of the story in question. Ultimately, few demands for responses under the law were made in 2014, and by the year's end no cases had gone to court over an outlet's refusal to comply.

The Access to Public Information Law was approved in 2011, but some journalists say that it has not been properly enforced. In February 2014 the Supreme Court of Justice refused to provide information a citizen had sought about the dismissal of court employees, arguing that fulfilling the request would threaten the court's security. No resolution was achieved by year's end; the case is expected to be heard before the Constitutional Court. Additionally, according to the Salvadoran Association of Journalists (APES), the government refuses to disclose certain information, such as anything related to the corruption proceedings against former president Francisco Guillermo Flores Pérez, and the travel and publicity expenses of Funes, whose term ended in June 2014. In October, the national police service issued guidelines restricting the types of information it would release to the media, ostensibly for reasons relating to public security.

The 1997 Telecommunications Law does not recognize community media outlets, making it all but impossible for such stations to obtain operating licenses. In 2014, a coalition of journalists' organizations, community media, academics, and civil society organizations continued to press the government to approve new laws regulating community broadcasters and public media. Separately, the Superintendent of Electricity and Telecommunications (SIGET), the regulatory body for broadcast media, sparked controversy in April 2014 when it transferred the signal of TV Red – a company linked to Mexican media mogul Ángel González – from channel 37 to channel 11, which has a much stronger frequency. The decision prompted competing television companies to file legal complaints, and in August SIGET's board, under a new director, ordered TV Red to return to channel 37. TV Red appealed that decision, and a court order issued in October allowed the station to continue using channel 11 until a final verdict was reached, though none was by year's end. It later emerged that the official at SIGET who authorized the transfer in April 2014 was a new employee who had previously worked at TV Red, and had continued to hold his appointment there during his first two months at SIGET, a conflict of interest SIGET officials later said appeared to be prohibited by law.

Political Environment

Journalists in El Salvador sometimes face harassment and interference while performing their jobs. According to the Inter American Press Association, government ministries often request that certain media outlets complete unnecessary bureaucratic tasks. Meanwhile, the newspaper *La Prensa Gráfica* has reported more than 30 visits by state authorities in recent years. In June 2014, an employee of the Court of Auditors was sentenced to two years in prison for intimidation and aggression against *La Prensa Gráfica* journalist Jéssica Ávalos in 2011, though the prison sentence was later converted to a community service order; Ávalos had been attacked while attempting to film state employees allegedly holding a party during working hours. In July, Oscar Martínez of the online news site *El Faro* said police had unlawfully detained and harassed him in connection with his recent journalistic work. The Ministry of Public Security committed to an investigation of the incident, but no resolution was achieved by year's end. APES documented 28 cases of attacks on journalists or against freedom of expression in 2014, up from 8 the previous year; the incidents ranged from obstruction of journalists' activities to death threats against media workers.

Acts of violence against journalists take place occasionally. In July, cameraman Carlos José Orellana of Canal 99 in Usulután was murdered outside his home by unknown assailants. Journalistic organizations have called on authorities to investigate his killing to determine whether it was related to his work as a journalist.

Economic Environment

Concentration of ownership is an obstacle to a diverse and broadly representative media landscape. There are four daily newspapers, but the print sector is dominated by two powerful families that publish the leading dailies and numerous smaller periodicals. Most of the country depends on privately owned television and radio networks for news, and ownership in the broadcast sector is also highly concentrated. The Telecorporación Salvadoreña (TCS) owns three of the five national television networks, in addition to a host of radio stations. Community radio has been stifled by the restrictive provisions of the Telecommunications Law. Some 30 percent of the population accessed the internet in 2014, and there were no reported government restrictions on the medium. Online newspapers such as *El Faro* and *ContraPunto* are known for their independent investigative journalism.

However, a lack of resources inhibits many media outlets' operations, and reporters often exercise self-censorship to avoid offending media owners, editors, and government officials. This problem is particularly pernicious in connection with government press advertising. Although exact figures are unknown, government advertising represents a substantial percentage of outlets' revenue, creating an incentive for publishers to avoid antagonizing officials.