

**AMERICAS CAUCUS**  
**Topic C: Promoting Freedom of Press in Latin  
America**

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# Background Information

## **Introduction**

There has always been abuses of press freedom and freedom of speech, regardless of governmental ideologies. However, authoritarianism is truly revealed by the intensity and frequency of such abuses. Today, most Latin American governments without a doubt attack the press most frequently and forcefully. The Venezuelan, Mexican and Bolivian governments amend constitutions at their leisure and exercise control over the judiciary and the electoral. Governments such as these shut down media outlets, as exemplified by the shutdown of RCTV, five cable channels, and more than 30 radio stations in Venezuela. They prosecute journalists, such as in the cases of Emilio Palacio and the Pérez brothers in Ecuador. They promote their agenda through propaganda on state media channels and the organization of populist rallies, while refusing to hold press conferences. They ignore Inter-American Human Rights Court rulings and force human rights and press freedom activists into exile. Nowadays, these kinds of abuses are even more worrisome, because they are orchestrated using all the resources of the State. Governments belonging to the Bolivarian Alternative for the Americas (ALBA), previously led by Hugo Chávez, are good examples. Their populist formula to govern for the majority with complete disdain for representative democracy has polarized their societies and allowed them to turn their backs on the opposition.

## Mexico

In Mexico there is little media regulation and zero artistic censorship, but in the name of protecting the state from organized crime, the government has introduced various laws that affect the rights of citizens. An example of this is how the government has increased its surveillance capacity. In March 2012, the Mexican Congress approved



a new legislation that gave the police more access to online information. Also between 2011 and 2012, the Secretariat of National Defense, which controls

the Mexican Armed Forces, purchased advanced domestic surveillance equipment. The new equipment includes mobile phone and online communications software that can be openly used to monitor Mexican citizens. In addition vague new public laws that are direct violations of the right of freedom of expression continue to be approved. The State of Veracruz introduced a public nuisance law that sends to jail any social media member who uses Twitter or Facebook to warn fellow citizens about violence. The law was set in place because two Twitter users warned state residents of shootouts that turned out to be false alarms, but had the city of Veracruz traumatized by the alleged reports. The problem remains that bloggers, and social media users have become alternative sources of information because the traditional media in at least half of the territory of Mexico are afraid of reporting on drug related violence. Another example of such laws is the Telecom legislation that allows the government to censor and sanction “certain

types of internet content related to good customs, life and other moral concepts that are very ambiguous,” according to Omar Rabago, the director of CENCOS, a Mexican human rights non-profit group.

## Venezuela

The Constitution of Venezuela says that freedom of expression and press freedom are protected. Article 57 states that "Everyone has the right to freely express his or her thoughts, ideas or opinions orally, in writing or by any other form of expression, and to use for such purpose any means of communication and diffusion, and no censorship shall be established." It also states that "Censorship restricting the ability of public officials to report on matters for which they are responsible is prohibited." According to Article 58, "Everyone has the right to timely, truthful and impartial information, without censorship.." but during the leadership of President Chávez and now President Maduro, the accumulation of power in the executive branch and the erosion of human rights guarantees have enabled the government to intimidate, censor, and prosecute its critics.



In December 2010, the government of Venezuela approved a law named "Social Responsibility in Radio, Television and Electronic Media" . The law is intended to exercise control over content that could "entice felonies", "create social distress", or

"question the legitimate constituted authority". The law indicates that the website's owners will be responsible for any information and contents published, and that they will have to create mechanisms that could restrict without delay the distribution of content that could go against the aforementioned restrictions. The fines for individuals who break the law will be of the 10% of the person's last year's income.

Other outrageous measures taken by the Venezuelan government were this year's incidents during the protests. Colombian news channel NTN24 was taken off the air by CONATEL (the Venezuelan government agency appointed for the regulation, supervision and control over telecommunications) for "promoting violence". President Maduro then denounced the Agence France-Presse (AFP) for manipulating information about the protests. Also after an opposition Twitter campaign asked participants of the Oscar ceremony to speak out in support of them, for the first time in decades, private television channel Venevisión did not show The Oscars, where Jared Leto showed solidarity with the opposition "dreamers" when he won his award.

# Timeline

2011:

March (Argentina) - The Supreme Court ruled that governments could not offer official advertising in a discriminatory manner.

May (Bolivia)- President Morales issued a decree ordering the media to be more patriotic and support the country's suit against Chile in a maritime dispute. The decree also requires broadcasters to play military hymns on Mondays and Fridays.

(Venezuela)- The amended Law on Social Responsibilities on Radio, Television and Electronic Media was published in the Gaceta Oficial. The law:

- requires all media to broadcast a variety of mandatory content, including all government messages and speeches.
- creates numerous regulatory bodies controlled by the government rather than independent bodies.
- creates new sanctions for a variety of vaguely worded offences including “encouraging anxiety among the citizenry” and “disregarding legitimate authorities”.
- contains broad provisions for state control over the internet, with all electronic media being regulated in the same way as traditional broadcasting.

October (Brazil)- After 8 years of debate, the Brazilian parliament finally approved the Law on Access to Information. The bill was signed by President Dilma Rousseff in November. The law obliges all public bodies in Brazil to adopt procedures for publishing information and receiving and responding to requests within 180 days.

November (Mexico)- The Chamber of Deputies approved a bill to amend Article 73 of the Constitution, making crimes against freedom of expression, information and the press subject to federal – rather than exclusively national - jurisdiction. The new bill allows federal investigation and, therefore, offers enhanced protection to journalists in states where the local authorities refuse or fail to investigate crimes against the media

## Key Terms

**Freedom of press:** The right to circulate opinions in print without censorship by the government.

**Censorship:** the practice of officially examining books, movies, etc., and suppressing unacceptable parts.

**Transparency:** the condition of being transparent.

**Jurisdiction:** The official power to make legal decisions and judgments.

**Violation:** Break or fail to comply with (a rule or formal agreement).



## Guiding Questions

- To what extent should governments have control over the media?
- Should the general population be granted access to governmental information? How transparent must public bodies be?
- To what extent should the media be censored?
- Whose responsibility is it to ensure the safety of journalists?
- Should governmental surveillance be legal ? Until what point?
- Is it reasonable to force the media to be "patriotic" ?

## Further Research

### **Latin American Violations**

<http://www.indexoncensorship.org/2014/02/venezuela-must-respect-human-rights-free-expression/>

<http://www.amnestyusa.org/our-work/countries/americas/venezuela>

[http://www.unesco.org/new/en/media-services/single-view/news/freedom\\_of\\_expression\\_and\\_media\\_development\\_lac/#.VBDXTzxdXWQ](http://www.unesco.org/new/en/media-services/single-view/news/freedom_of_expression_and_media_development_lac/#.VBDXTzxdXWQ)

[http://www.washingtonpost.com/opinions/free-speech-under-fire-in-latin-america/2013/03/16/a98aa0ec-8d9a-11e2-b63f-f53fb9f2fcb4\\_story.html](http://www.washingtonpost.com/opinions/free-speech-under-fire-in-latin-america/2013/03/16/a98aa0ec-8d9a-11e2-b63f-f53fb9f2fcb4_story.html)

<http://www.theguardian.com/world/2013/nov/14/mexico-freedom-of-speech-presumed-guilty>

### **2011 Laws on Freedom of Press**

<http://www.article19.org/resources.php/resource/2979/en/latin-america:-free-expression-and-the-law-in-2011>