

## **COSTA RICA**

### **BETWEEN ATTACKS AND PROTECTION MECHANISMS**

#### **Executive summary**

Costa Rica is in seventh position in the index with 61.60 points. The areas in which restrictions are found are directly related to the protection of press freedom (realm A “Informed citizens free to express themselves”, realm B: “Practice of journalism”, and realm C: “Violence and impunity”). The confrontation of the Executive with the media, and the dissemination of hate speech through social networks are some of the causes that have affected press freedom in the period under analysis. However, Costa Rica continues to be an example of protecting press freedom in the region.

#### **Introduction**

Costa Rica is in seventh place in the index with 61.60 points out of one hundred, which indicates a low restriction on freedom of expression. Despite the above, between August 2022-August 2023, Costa Rica had a variation of -12.23 points, the most significant drop compared to previous years, and which meant a decline of 2 positions within the index. In this period, journalists and media outlets have had to practice their profession amidst attacks (mostly verbal) and the use of protection mechanisms to defend themselves against them.

After the 2022 general elections, various investigation processes related to the use of public funds by political parties began, so the country's communication agenda continues to be linked to said elections (Garrido V., 2023a). Additionally, we see a continuity in the use of verbal attacks against journalists by audiences, and representatives of the Executive Branch continue to be present in communication processes (UN News, 2023), and negatively impacting press freedom.

Between August 2022 and August 2023, violent acts against journalists were documented, which had not occurred previously. For example, in April 2023 Public Force officers beat a journalist from Diario Extra while he was covering a homicide (Bolaños Vargas, 2023). Likewise, an investigation by the University for Peace, the University of Costa Rica and the College of Journalists of Costa Rica (COLPER), recorded that female journalists associated with COLPER had been victims of threats or attacks related to the practice of the profession (COLPER, 2023).

Despite the above, the Judiciary stands out as a guarantor of freedom of expression in the country. In fact, it is possible to affirm that their actions have had a positive impact on each of the areas considered; In particular, the decisions adopted by the Constitutional Chamber which favored access to public information, the protection of journalists, access to digital platforms and, in general, the free dissemination of ideas and opinions.

The rates of protection of freedom of expression make Costa Rica one of the freest States in the region, which has favored the migration of Central American media to the country. For example, journalists from Nicaragua and Guatemala have migrated to Costa Rica, which has allowed them to establish new media outlets, or continue practicing their profession from exile (Murillo Á., 2023a). It is also notable that in April 2023 the Salvadoran media El Faro reported its decision to move its administrative and legal operations to San José (El Faro, 2023).

## **Legislative Environment**

The Legislative Branch applies a slight influence on the exercise of press freedom in the country (1.15 points). It is noteworthy that the Legislative Assembly did not approve any law related to the practice of journalism. We even observed that the approval of laws regarding access to public information, the operation of the radio and the updating of taxes for use is pending of the radioelectric space, to mention a few topics.

Despite the above, between August 2022 and August 2023 it had a moderate influence, which can be explained by the different investigations the Legislative initiated regarding cases associated to the hiring of trolls and the awarding of state advertising contracts. About the trolls, the Legislative Commission for Investigation of Political Parties of the Legislative Assembly began looking into the hiring of the troll “Piero Calandrelli” for the alleged services provided to the former Minister of Health, Josselyn Chacón, during 2022 (Gómez, 2023). The parties involved presented various evidence (Córdoba González, 2023) and were called to appear before the Assembly to clarify the facts about their participation and influence in the country's media environment (Díaz Zeledón, 2023a).

In the case of state advertising contracts, on September 13, 2023, the Legislative Assembly created the Investigative Commission on National Radio and Television System (SINART by its acronym in Spanish), responsible for clarifying the facts surrounding the hiring of advertising by state agencies (Murillo Á., 2023b). By virtue of the date of creation, it is expected that the results of said research will be published by 2024, which may influence the next evaluation of Costa Rica.

## **Judicial Environment**

The Judicial Branch in Costa Rica has been characterized as a guarantor of freedom of expression in the country, which is confirmed in the period under analysis. National courts exert a slight influence (1.05 points) and have shown that judicial processes effectively protect journalists and media outlets.

In particular, the action of the Fourth Chamber of the Supreme Court of Justice in the Parque Viva event, the granting of public information, the blocking of users on Facebook pages of municipalities, as well as the protection of journalists affected by attacks verbal, stands out. Each of these cases is explained in detail in the following sections.

However, it is important to note that in cases of crimes of defamation and slander, the actions of the Judiciary have been different. In March 2023, Marlon Mora Jiménez, the former director of the University of Costa Rica channel, was convicted by the Goicoechea Criminal Court

of the II Judicial Circuit of San José, for the commission of two crimes of defamation against the former presidential candidate Juan Diego Castro Fernández (Madrigal L. J., 2023). The decision was appealed and the final decision is still pending in October 2023.

## **Executive Environment**

The Executive Branch exerted a moderate influence (3.33 points) in the period under analysis, which indicates that it was the environment that most influenced the freedom of the press in the country. In fact, in relation to the practice of journalism the influence was strong with six points within the indicator.

For the period under analysis, it is relevant to indicate that the Ministry of Communications is the one that has had the greatest changes since the presidential term began. In September 2022, former minister Patricia Navarro-Molina was dismissed (Murillo Á. , 2022). In November 2022, the president announced that Laura Brenes would be the Director of Communication, and that he would dispense with the figure of the minister during his administration (Gutiérrez Wa-Chong, 2022). However, in May 2023, the president appointed Jorge Rodríguez Vives as Minister of Communication (May Grosser, 2023).

These changes have had a negative impact on the relationship between the Executive, journalists, and the media. Additionally, the confrontational discourse by representatives of the Executive has affected journalists and media, as detailed in realm C of this report.

## **Realm A: Judiciary guarantees Access to information**

Costa Rica's score was 13.40 out of 23, which suggests a coexistence of restrictions on access to public information and the right to freedom of expression. In particular, this realm considers the flow of information and free expression, and in the period under study there are some examples that illustrate the situation.

In July 2022, journalist Vilma Ibarra, director of the “Hablando Claro” (Talking straight forward) program, filed an appeal for protection against the Ministry of Communication for the omission to respond to a request for information presented by the journalist. In October 2022, the court ordered the then Minister of Communication, Patricia Navarro, and the press director of the Presidency of the Republic, Armando Gómez, to provide the information, and sentenced the State to pay the costs, damages and losses (Fernández, 2022).

Also, through an appeal for protection in February 2023, the Constitutional Chamber determined that “Municipalities and any other public entity cannot block users on their social networks because they violate freedom of expression” (Rodríguez, 2023). This criteria follows other decisions adopted by the court regarding the blocking of users on official pages of municipal entities (Bolaños Vargas, 2022). Regarding public entities, the Constitutional Chamber determined that the University of Costa Rica is also obliged to provide information (Martínez, 2023).

## **Realm B: increasing limitations**

The practice of journalism has been affected in the period under study. Costa Rica's score is 5.60 points out of ten, which represents a deterioration of 2.1 points compared to 2022. The Executive is the branch that has exerted the greatest influence in this realm (six points), followed by the Legislative branch (2.60 points). In both cases, the influence of each branch increased compared to 2022.

In October 2022, President Chaves signed the decree on the regulations of the College of Journalists and Professionals in Collective Communication Sciences of Costa Rica (COLPER) (Presidency of the Republic, 2022). The regulations were modified to adapt to the needs of COLPER, in particular to expand the powers of the board of directors (article 18), the accreditation of foreign correspondents (article 48) and the temporary accreditation of journalists from news agencies and permanent correspondents (article 49).

However, in this realm it is important to highlight that some of the recorded actions that negatively impacted the practice of the profession were related to the 2022 general elections. For example, in December 2022 the use of the troll "Piero Calandrelli" became known during the electoral campaign and who was allegedly hired by former health minister Josselyn Chacón, to discredit journalists and media through social networks (Díaz Zeledón, 2023b). In February 2023, Josselyn Chacón resigned from her position (Arrieta, 2023), however, as of October 2023, the case is still under the investigation.

### **Realm C: increase in verbal attacks and use of protection mechanisms**

Violence against journalists and media outlets has increased steadily following the 2022 general elections; Consequently, Costa Rica's score (21.80) demonstrates the existence of situations of persecution and impunity, which impacts the protection of journalists in the country and, in general, the exercise of press freedom.

Regarding persecution, the index obtained by Costa Rica is low (1.60 points), however, it is noteworthy that this realm manifests itself mainly in the form of verbal attacks pronounced largely by representatives of the Executive. As an illustration, in August 2022, President Rodrigo Chaves and the Minister of Health Josselyn Chacón back then, compared the media to rats and other species of fauna (Mora, 2022). While, in September 2022, the lawyer Juan Diego Castro presented his book *Los Canallas*, in which he makes direct mention of the work of journalists and the media (Granados, 2022). In fact, the name of the book is related to the label "Prensa Canalla" (Scoundrel Press) that various groups are using to refer against journalists and the media (Garrido V., 2023b).

Likewise, Costa Rica has a low impunity index (1.20) and it is thanks to the work of the courts to guarantee freedom of the press. For example, in January 2023, the President of the Republic, Rodrigo Chaves, and the Minister of Health Josselyn Chacón, insulted journalist Jason Ureña from the media *CR Hoy*, who filed an appeal to protect his right to freedom of expression. The highest court decided in favor of the journalist in May 2023 and ordered payment of costs, damages and losses caused (Madrigal, 2023).

### **Realm D: implementing mechanisms to control the media**

Costa Rica's score in this realm is 20.80. This category considers the direct control, for which the country obtained sixteen points out of nineteen. The indirect control in the period under study represented 4.80 points out of six. It is relevant to highlight that all environments (legislative, judiciary and executive) exert a slight influence on this category.

However, it is important to mention the case of Parque Viva, which is part of the La Nación group. In July 2022, the government announced the closure of the establishment due to non-compliance with health standards; Nevertheless, the group's representatives presented an appeal for protection because the measure involved the use of indirect means to restrict the press in the country. In October 2022, the Constitutional Chamber decided in favor of La Nación (Murillo, 2022).

Another situation that has created alerts in the country refers to the awarding of advertising contracts. The Public Income and Expenditure Control Commission of the Legislative Assembly began an investigation process for the hiring of SINART (Advertising Agency of the National Radio and Television System) (Murillo Á. , 2023b), since it may affect the management of State advertising and its publication in the media. In fact, in June 2023, a report from La Nación indicates that SINART concentrates the largest number of State advertising contracts (¢7,925 million) (Cambroner, 2023).

## **Conclusions**

In general there is freedom of the press in Costa Rica and, thanks to that, it is one of the best countries in Central America to practice journalism. However, based on the scores obtained, the decrease in points compared to previous years, and the situation of the country, there are three areas that must be monitored, namely: "Informed citizens free to express themselves," "Practice of journalism", and "Violence and impunity".

Regarding the flow of information, the adoption of regulations that guarantee access to public information, as well as the beginning of the process of renewing radio and television concessions, have the potential to facilitate the free flow of information, ideas and opinions. In this sense, the performance of the legislative and executive environment will be essential to guarantee the right to freedom of expression in the years to come.

On the other hand, in 2024 the practice of journalism may be influenced by two situations. Firstly, the granting of advertising guidelines by the State. The use of SINART can favor the distribution of guidelines among the different media that operate in the country, however, transparency is required in the awarding of contracts. Obtaining resources is essential for the financial sustainability of the media, hence the State's action in this regard has the potential to guarantee the plurality of media in the country.

Secondly, the actions of Central American journalists and media in the country can favor the plurality of voices, which would have a positive impact both on the practice of journalism and on the exercise of freedom of expression by citizens. However, in view of the increase in verbal attacks, State intervention will be required to prevent an increase in the dissemination of xenophobic speeches against journalists.

The number of recorded cases of attacks against journalists increased in 2023, which negatively affected Costa Rica's score in the violence and impunity realm. The authorities have

the duty to create an atmosphere that allows journalism to be carried out safely, and in the event of attacks to investigate the facts to avoid impunity. To achieve this, it is necessary for the Executive to reduce the levels of aggression against the press, and to support the actions of the Judiciary when it intervenes to guarantee freedom of the press.

## Referencias

Arrieta, E. (2023, febrero 07). Joselyn Chacón renuncia al cargo. *La República*. <https://www.larepublica.net/noticia/joselyn-chacon-renuncia-al-cargo>. Recuperado el 11 de octubre de 2023

Bolaños Vargas, R. (2022, noviembre 08). Municipalidad de Nicoya condenada por bloquear a medio de comunicación en Facebook. *La Nación*. <https://www.nacion.com/el-pais/gobierno/municipalidad-de-nicoya-condenada-por-bloquear-a/RRELUIK2NCRZEJKM7ETG5AH3Q/story/>. Recuperado el 11 de octubre de 2023

Bolaños Vargas, R. (2023, abril 18). Golpiza de policías a fotógrafo de 'Extra' desata repudio en organizaciones de periodistas. *La Nación*. <https://www.nacion.com/el-pais/politica/golpiza-de-policias-a-fotografo-de-extra-desata/747PH676MRGCNDCZRCKBS4OUMM/story/>. Recuperado el 11 de octubre de 2023

Cambroner, N. (2023, junio 06). Sinart concentra contratos de publicidad estatal por ¢8.000 millones. *La Nación*. <https://www.nacion.com/el-pais/politica/sinart-concentra-contratos-de-publicidad-estatal/KXGE7MZJJE37KXYWKQDXV42D4/story/>. Recuperado octubre 11, 2023

COLPER. (07 de marzo de 2023). *23,3 % de comunicadoras sufren violencia digital*. Recuperado el 11 de octubre de 2023, de Comunicados COLPER: [https://www.colper.or.cr/app/cms/www/index.php?pk\\_noticia=384](https://www.colper.or.cr/app/cms/www/index.php?pk_noticia=384)

Córdoba González, J. D. (2023, marzo 28). Chofer de Joselyn Chacón depositó ¢500.000 a trol Piero Calandrelli en dos meses, según pruebas. *La Nación*. <https://www.nacion.com/el-pais/politica/chofer-de-joselyn-chacon-deposito-500000-a-trol/X7ZPBFNABRBJNASA7MFRWZBEAl/story/>. Recuperado el 11 de octubre de 2023

Díaz Zeledón, N. (09 de enero de 2023a). Diputados convocan a Joselyn Chacón y asesora de Rodrigo Chaves para hablar sobre uso de trol Piero Calandrelli. *Semanario Universidad*. <https://semanariouniversidad.com/pais/diputados-convocan-a-joselyn-chacon-y-asesora-de-rodrigo-chaves-para-hablar-sobre-uso-de-trol-piero-calandrelli/>. Recuperado el 11 de octubre de 2023

Díaz Zeledón, N. (04 de enero de 2023b). Procuraduría de la Ética definirá futura investigación sobre "Piero Calandrelli" este mes. *Semanario Universidad*. <https://semanariouniversidad.com/pais/procuraduria-de-la-etica-definira-futura-investigacion-sobre-piero-calandrelli-este-mes/>. Recuperado el 11 de octubre de 2023

El Faro. (13 de abril de 2023). *El Faro se cambia de casa*. Recuperado el 11 de octubre de 2023, de El Faro: <https://elfaro.net/es/202304/columnas/26804/el-faro-se-cambia-de-casa>

Fernández, K. (2022, octubre 12). Sala IV ordena a oficina de prensa de Casa Presidencial responder a periodista. *La Teja*. <https://www.lateja.cr/nacional/sala-iv-ordena-a-oficina-de-prensa-de-casa/S7EAF26CPRAB7FEIBIDIO4RC6M/story/>. Recuperado el 11 de octubre de 2023



Garrido V., M. (2023a). Acceso a Información Pública. En: *Libertad de Expresión en Costa Rica: Una mirada al proceso electoral 2022* (pp. 20-27). San Jose : UPEACE Press.

Garrido V., M. (2023b). Ataques contra Periodistas y Medios de Comunicación. En: *Libertad de Expresión en Costa Rica: Una mirada al proceso electoral de 2022* (pp. 44-48). San Jose: UPEACE.

Gómez, T. (11 de enero de 2023). "Troll" abandonó la Asamblea resguardado por personal de seguridad y sin dar declaraciones. *El Observador*. <https://observador.cr/troll-abandono-la-asamblea-resguardado-por-personal-de-seguridad-y-sin-dar-declaraciones/>. Recuperado el 11 de octubre de 2023

Granados, G. (2022, septiembre 28). Juan Diego Castro presenta libro sobre "los canallas". *Diario Extra*. <https://www.diarioextra.com/Noticia/detalle/484415/juan-diego-castro-presenta-libro-sobre-los-canallas->. Recuperado el 11 de octubre de 2023

Gutiérrez Wa-Chong, T. (30 de noviembre de 2022). Rodrigo Chaves prescinde de tener ministro de Comunicación. *La República*. <https://www.larepublica.net/noticia/rodrigo-chaves-prescinde-de-tener-ministro-de-comunicacion>. Recuperado el 11 de octubre de 2023

Madrigal, L. J. (06 de marzo de 2023). Tribunal condena a exdirector de Canal UCR por dos delitos de difamación. *Delfino*. <https://delfino.cr/2023/03/tribunal-condena-a-exdirector-de-canal-ucr-por-dos-delitos-de-difamacion>. Recuperado el 11 de octubre de 2023

Madrigal, L. M. (23 de mayo de 2023). Periodista ganó recurso de amparo por los ataques verbales perpetrados por Rodrigo Chaves y Joselyn Chacón. *Delfino*. <https://delfino.cr/2023/05/sala-iv-condena-al-estado-por-ataques-de-rodrigo-chaves-a-periodistas>. Recuperado el 11 de octubre de 2023

Martínez, V. (05 de julio de 2023). Sala IV ordena a UCR dar información pública a personas sin firma digital. *La Nación*. <https://www.nacion.com/el-pais/servicios/sala-iv-ordena-a-ucr-dar-informacion-publica-a/l36LYAGHVFHITPABWVYNHQM4LQ/story/>. Recuperado el 11 de octubre de 2023

May Grosser, S. (03 de mayo de 2023). Jefe de despacho de Chaves pasará a ser ministro de Comunicación. *Delfino*. <https://delfino.cr/2023/05/chaves-nombra-a-jorge-rodriguez-como-su-nuevo-ministro-de-comunicacion>. Recuperado el 11 de octubre de 2023

Mora, C. (03 de agosto de 2022). <https://www.crhoy.com/nacionales/organismos-censuran-nuevo-ataque-de-chaves-a-la-prensa/>. *CR Hoy*. <https://www.crhoy.com/nacionales/organismos-censuran-nuevo-ataque-de-chaves-a-la-prensa/>. Recuperado el 11 de octubre de 2023

Murillo, Á. (02 de septiembre de 2022). Rodrigo Chaves destituye a Ministra de Comunicación. *Semanario Universidad*. <https://semanariouniversidad.com/pais/rodrigo-chaves-destituye-a-la-ministra-comunicacion/>. Recuperado el 11 de octubre de 2023

Murillo, A. (2022, octubre 21). Sala IV revierte cierre de Parque Viva por violar la libertad de prensa de 'La Nación'. *Semanario Universidad*. <https://semanariouniversidad.com/pais/sala-iv->



revierte-cierre-de-parque-viva-por-violar-libertad-de-prensa-de-la-nacion/. Recuperado el 11 de octubre de 2023

Murillo, Á. (06 de julio de 2023a). Costa Rica, un albergue con goteras para el periodismo centroamericano. *Divergentes*. <https://www.divergentes.com/costa-rica-un-albergue-con-goteras-para-el-periodismo-centroamericano/>. Recuperado el 11 de octubre de 2023

Murillo, Á. (24 de agosto de 2023b). Diputados plantean una comisión especial que investigue millonarios contratos de comunicación en el Gobierno. *Semanario Universidad*. <https://semanariouniversidad.com/pais/diputados-plantean-una-comision-especial-que-investigue-millonarios-contratos-de-comunicacion-en-el-gobierno/>. Recuperado el 11 de octubre de 2023

Noticias ONU. (2023, julio 06). *Costa Rica: El discurso de odio en las redes sociales aumenta un 50% en un año*. Recuperado el 11 de octubre de 2023, desde Noticias ONU: <https://news.un.org/es/story/2023/07/1522522>

Poder Ejecutivo. (2022, septiembre 01). Reglamento del Colegio de Periodistas y Profesionales en Ciencias de la Comunicación Colectiva de Costa Rica. *Decreto Ejecutivo 43727*. San Jose, Costa Rica. Recuperado el 11 de octubre de 2023, desde [http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NRTC&param2=1&nValor1=1&nValor2=98351&nValor3=133716&strTipM=TC&IResultado=1&nValor4=1&strSelect=sel](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NRTC&param2=1&nValor1=1&nValor2=98351&nValor3=133716&strTipM=TC&IResultado=1&nValor4=1&strSelect=sel)

Presidencia de la República. (2022, octubre 05). *Presidente Chaves Robles Firma Decreto de la Ley Orgánica del Colegio de Periodistas de Costa Rica*. Recuperado el 11 de octubre de 2023, desde Presidencia de la República. Gobierno de Costa Rica: <https://www.presidencia.go.cr/comunicados/2022/10/presidente-chaves-robles-firma-decreto-de-la-ley-organica-del-colegio-de-periodistas-de-costa-rica/>

Rodríguez, I. (2023, febrero 08). Municipalidades no pueden bloquear a usuarios en su Facebook porque violan libertad de expresión. *La Nación*. <https://www.nacion.com/el-pais/servicios/municipalidades-no-pueden-bloquear-a-usuarios-en/UAGIGRAG6JFN3EAR3EXFMO6YX4/story/>.

