

ARGENTINA THE DANGER OF SELF-CENSORSHIP

Executive Summary

In Argentina, most indicators have remained stable compared to the previous period, but the naturalization of attacks, threats and legal cases against journalists is still worrying. Some politicians seek to inhibit the right of journalists to question their work at a critical time due to inflation, insecurity and corruption. This became more acute as the primaries for the October 2023 general elections approached.

Introduction

The Chamber of Congress of the province of Salta, in northern Argentina, gave half-sanction in May 2023 to a bill that established penalties of arrest and fine for anyone who spread false news on the digital spectrum. It was up to the provincial government to determine what was true or false. A regulation aimed at promoting self-censorship, the worst virus for journalism.

In another province in the north of the country, La Rioja, Governor Ricardo Quintela opened the session of the Constituent Convention with a speech in which he encouraged the idea of setting limits on freedom of expression in the provincial Constitution. This would imply going against the national Constitution and international human rights treaties.

Both attempts to apply restrictions to journalism mark a climate of the times. Intolerance towards adverse opinions or uncomfortable questions leads to verbal and, sometimes, judicial retaliation against journalists, in most cases economically unprotected. Many depend on the official advertising pattern to support their own media.

The anomaly does not restrict freedom of expression, but it conditions it. Compared to the Chapultepec Index from the previous year, most numbers remained stable, but the desire to control or keep the media at bay increased exponentially. The same thing happened with the conditioning and violence against journalists as a correlation of political polarization and social tension.

In this period, marked by the final stretch of Alberto Fernández's government, there were attacks, threats, trials and intimidation against journalists. The presidential word was several times disavowed by Vice President Cristina Kirchner, the target of a failed attack on September 1, 2022. Leaders and state organizations whimsically attributed it to the cruelty of the media against her.

Analysis of the results

Added to the worsening of the economic crisis and the multiplication of incidents of insecurity is the advance of drug trafficking in Rosario. Far from being attenuated, it has gotten worse. The *Television Litoral* building, in that city in the province of Santa Fe, was attacked twice

by gunmen in December 2022. A couple of months before they had hung a poster with a threat in front of the *Telefé Rosario* channel.

Intimidation against journalists, photographers and cameramen who cover crimes linked to drug trafficking is common in Rosario, whose homicide rate is four times the average of any other Argentine city (Report to the 2023 Mid-Year Meeting, Inter American Press Association, IAPA, April 25-27). It is summarized in the title of the annual report of the Argentine Journalism Forum (FOPEA): “Journalism under the stalk of organized crime.”

The naturalization of violence in Rosario as a result of drug trafficking coincides with the ineffectiveness of the Executive Branch and the social upheaval in other latitudes, with personal attacks against journalistic and virtual teams through social networks. There have also been intimidations against those who investigate irregularities in the public administration.

The acquiescence of judges and legislators related to the national government or provincial governments reflects the absence of a pillar of republican life: the separation of powers. This causes the lack of protection of journalists, branded as “political operators” and being “enveloped” (who receive spurious money) by officials whose epithets are often repeated by social media users.

In Argentina, as in other countries, attempts are made to delegitimize – both from the national government and from provincial governments – journalistic work with slogans such as *lawfare*, *fake news* and “hate speeches”. The inaction of Congress and the scant intervention of the Judiciary, except when charges are filed, fuel this mill. It puts journalists on a par with politicians in muddy and foreign terrain.

In most cases the information is not denied. They prepare, aim and shoot at the journalist, which becomes a kind of firing squad that affects both his integrity and that of those close to him. Faced with this circumstance, the journalist can insist or, when defeated by self-censorship, desist. An option as difficult as lowering your arms in the face of power.

Within the judicial sphere, the phenomenon of tapped phones and the leaking of private information rubs shoulders with espionage. The wiretaps can be legal, ordered by judges; or illegal, made by agents of the Federal Intelligence Agency (AFI, former SI, former SIDE by its acronyms in Spanish) or by private agencies. Its use for political or economic purposes is related to hacking.

Great debate on the horizon in a country with partial restrictions on freedom of expression, with an average of 51.34 points in the Chapultepec Index compared to 55.14 in the previous period. In both cases, the percentages speak of a strong influence on journalistic work. The degree of unfavorable score is broken down into 3.03 points in the executive environment; 2.24 in the judicial and 1.68 points in the legislative.

The targets of the intrusions on their mobile phones do not respect political sign or color. They range from Vice President Kirchner to the opposition head of the Government of the City of Buenos Aires, Horacio Rodríguez Larreta – presidential candidate in 2023 – as well as trade unionists, churchmen and journalists, among others. A new challenge, such as the dissemination of images of acts of violence in the streets.

REALM A: arbitrariness, censorship and similar

Score: 11.80 (partial restriction). The drop of 3.1 points compared to the previous period reflects a deficit in the ability of citizens to stay informed and free to express themselves. The diversions of power have prevented, for example, the coverage of the hearings of an oral and

public trial against the leader of the Boca Juniors soccer club by order of the Oral Criminal Court No. 13 of Buenos Aires.

This is an arbitrariness, which has not been the only one. In the province of Formosa, bordering Paraguay, Justice forced the digital media Sala de Prensa Formosa, in November 2022, to remove information referring to an official from the municipality of the city of Formosa, and even prohibited it from referring to her in the future. A act of censorship in every aspect.

Freedom of expression is affected when the gender editor of a television channel must close her Journalist receives insults and threats for a column published in a foreign media about the Soccer World Cup in Qatar.

REALM B: threats with first and last name

Score: 6.20 (partial restriction). The increase of 0.20 compared to the previous index, apparently negligible, represents a call for attention regarding the practice of journalism. The threat of the controller of the Intelligence Agency (AFI) to prosecute two journalists for violation of secrets following publications about the alleged commission of crimes by security forces seeks to impose self-censorship.

The same thing happened in the province of Santa Fe. A former provincial Minister of Security implemented an espionage and criminalization plan against an editor in September 2022. This is a retaliation by the State through the intelligence services and other organizations to harass and pursue the practice of journalism with an undoubtedly deterrent purpose.

In turn, Vice President Kirchner's lawyers threatened the journalist who investigated the so-called "corruption notebooks." She herself criticized by name and surname a journalist who analyzed her decision not to be a presidential candidate after the corruption ruling that raised her alleged ban. Identifying journalists means exposing them as if they were enemies.

REALM C: violence in the streets

Score: 15.64 (partial restriction). The drop of 2.46 points compared to the previous index had a turning point at the end of June 2023. In the northern province of Jujuy, while the Legislature and the Constituent Assembly were attacked as a result of the reform of the provincial Constitution, several reporters and cameramen were stoned by both the protesters and the police.

Media outlets related to the national government, such as the official agency Télam, and those located at the other end of the political arc, such as the TN channel, were victims of the attacks. The city of San Salvador de Jujuy, provincial capital, suddenly became a battlefield in which journalists received the brunt.

In the province of Chaco, shocked by a femicide associated with a beneficiary of the provincial government, a journalist reported that same month having been attacked with blows and stones by supporters of the alleged culprits. In the subsequent elections, the vehicle of a news agency envoy was hit by a brick that destroyed the windshield and almost hit him in the head.

REALM D: journalism versus propaganda

Score: 17.70 (partial restriction). The increase of 1.6 points compared to the previous average clearly shows the government's desire to control the media agenda. In April 2023, the IAPA warned about the advance of "ethical control of journalistic content by administrative

organizations" of the national government, which could lead to heavy fines for independent media..

The intimidation of the National Communications Entity (ENaCom) to the *La Nación+* channel, after a change in the regulations of the Media Secretariat, could lead to the suspension of official advertising for those media that incurred an alleged infraction due to the apparent promotion of discriminatory treatment. The Judicial Branch, not the Executive, is the only one capable of settling differences.

The ethical control of journalistic content by administrative bodies goes against constitutional principles and inter-American standards on freedom of expression. In the case of *La Nación+*, a journalist received death threats and harassment on social networks for having referred to the health of the daughter of the Argentinian vice president, Florencia Kirchner.

Conclusions

The Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights has drawn attention to situations that promote self-censorship and limit freedom of expression, the foundation of democratic coexistence. The national Constitution and the American Convention on Human Rights, to which Argentina adheres, establish the possibility of expressing opinions without prior censorship.

Attempts to curtail this right, as has occurred with threats from the national government or attempts in Salta, La Rioja and other provinces, contribute to a return to authoritarian periods in which crimes of contempt and slander and slander were a threat. Nothing is more anachronistic in times of social networks that are still a challenge for journalists and the media.

Criticism, no matter how ruthless, and questions, no matter how uncomfortable, do not constitute crimes, but rather an invitation to dissent in a society sometimes screwed into speeches or propaganda that confirm its views. Accusations of journalism of everything that is out of harmony with governmental, legislative or judicial positions work against those branches.

Intolerance, expressed in attacks by all groups and factors against journalism, further divides a country with an independence of powers under discussion and with a misguided compass amid the accentuated economic crisis and frequent cases of insecurity and corruption. The stigmatization of journalism as if it were responsible for these problems does not help at all. Dilemmas, actually.

That feeling has been accentuated between August 2022 and August 2023, on the eve of the primary and general elections. Generalized bad mood looks for culprits. And the government or ruling coalition's discourse focuses on journalism, in some cases aimed at promoting journalism by journalists. That is, criticism among colleagues instead of information seeking.

There is no freedom without journalism. And journalism, in a democracy that turns forty years old in 2023, deserves to be honored, not lambasted, harassed, threatened, or stoned. Habits changed, not values. Journalists are not prosecutors or judges. Job insecurity forces many to have more than one job. Commitment to work is above obstacles and conditions.

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