

COLOMBIA INFORMATIVE DEMOCRACY AND THE GOVERNMENT OF CHANGE

Executive Summary

Added to the challenges of financial sustainability for the media in Colombia is a hostile environment on the part of the Executive Branch at all levels. Freedom of expression, information, and the press are faltering in the face of an increasingly polarized and intolerant society, armies of faceless opinion makers, but with access to the Internet, while the income necessary for the survival of the media persists in its absence. Today, more than ever, the role of the media as a pillar of democracy in Colombia is indispensable, the responsibility of bringing verified, useful and impartial information to readers so that it contributes to enriching the debate and raising its level. It is essential to remain vigilant against attacks and aggressions by public officials who not only threaten democracy in Colombia with their acts of violence against media and journalists, but also seek to permanently silence those they consider their opponents.

Introduction

The study period is between August 2022 and August 2023. Reporting has become as difficult, or even more, than financially sustaining a media outlet. The figures in this report reveal the evident deterioration of freedom of expression and the press in Colombia in a period seriously marked by systematic attacks by the Executive Branch, characterized by harassment perpetrated by groups outside the law that act under the cloak of absolute impunity, predominant especially in the regions.

The use of judicial actions to silence the voices of communicators in the capitals continues, but also in small cities and remote towns, and attempts to erase the historical memory of information through protection actions and the so-called “right to forget”.

Analysis of results

On this occasion, the comparison carried out by the Chapultepec Index shows the deterioration in the situation in Colombia, which it classifies as a country with restrictions on the exercise of freedom of expression and the press, due to moderate influence (52.30). That, in the face of unfavorable situations for freedom of expression, they exercise the powers: Legislative (1.94) and Judicial (1.73) but above all due to the moderate influence of the Executive (2.05) which has an increase in relation to measurements made in previous years.

The deterioration of freedom of expression and the press due to the actions of national and regional executive level officials is worrying in the analysis of the results obtained. Likewise,

the persistence of impunity in attacks, threats, and crimes committed against media and journalists is worrying.

On the other hand, and added to the above, the economic survival of the media continues to be a serious concern. The dismissals of communicators and the closure of media continue, which translates into an evident deterioration of one of the fundamental pillars of democracy: the existence of multiple information with different visions and from different actors.

Executive Environment

In the executive environment, Colombia went from having a slight degree of influence in situations unfavorable to freedom of expression, to having a moderate influence in the period analyzed here. This shows the failure by the executive authorities to comply with international standards of respect for the freedom of expression of communicators and journalistic companies, which ultimately translates into disrespect for the game of democracy in our country.

The deterioration in the situation of freedom of expression and the press, as well as the attacks by the Executive Branch at the national, departmental and municipal levels, is evident in the moderate influence on dimensions such as “Informed citizens free to express themselves”, the “Practice of journalism” and “Violence and impunity”. Only the dimension related to “Media Control” has a positive balance, this thanks to the fact that the laws in Colombia prevent the Executive Branch from exercising control over the content and exercise of the media.

The above is reflected in the constant attacks via control and criticism of the management of the national government, as the Foundation for Freedom of the Press (FLIP) and the Inter-American Press Association (IAPA) have been denouncing. Special mention is required of the incident against the facilities of the *Semana* magazine by a demonstration (known as the “indigenous minga”) called and financed by the national government, a group that showed up at this journalistic company attacking its infrastructure. Physically and to third parties who were there. These acts were justified by the Minister of Labor in some unfortunate statements that do not contribute to the institutionality and the game of democracy, which implies the existence of the opposition.

The task of the national government to confront the financial crisis of the media business that affects radio, television, the printed press, and digital media remains pending. It does not seem that guaranteeing their existence through tax exemptions, official incentives, or support policies is going to happen during this period of government. The media must be vigilant about bills and other regulations that could impact their interests. An example of the above is the conduct of the now former mayor of the city of Medellín, Daniel Quintero, who from his X account (formerly Twitter) and in statements to the media made, during the time he remained in office, constant statements systematically and undemocratically attacking the newspaper *El Colombiano*, for denouncing cases of corruption and improper management in the municipal administration.

Special mention deserves the mayors of different cities, who have been illegally participating in the current electoral contest that will elect, on October 27, mayors, governors, deputies, and councilors. These officials have dedicated themselves to attacking the media and communicators who are not related to the candidates they support “from the shadows”, preventing the legitimate and democratic exercise of publishing all relevant information about those participating in the territorial elections.

Finally, and although measures have been taken to regulate social protest following the outbreak that occurred in 2021, police authorities must continue working and improving protocols to protect the rights of the media and the participants in the protests.

Legislative Environment

The Legislative environment showed that there is a slight degree of influence in terms of scenarios harmful to freedom of expression.

There was slight influence with regard to “Informed citizens free to express themselves”, “Violence and impunity” and “Media control”.

Worrisome is a drafted bill composed of forty articles called the Historical Pact the governing party which “Promotes the strengthening of community and alternative media such as internet accessibility and information democracy.” This was harshly questioned by FLIP (Freedom of the Press Foundation) and the Advanced Measurement Infrastructure (AMI), considering that if it was strictly necessary to issue a law related to the media, only aspects should be addressed under technical standards of freedom of expression. Expression; that is, issues such as strengthening the security of journalists or guaranteeing access to social security, but not those aimed at democratizing or regulating the operation and function of the media in Colombia, obligations of rectification and granting of spaces, and other aspects that, apparently, this bill pursued.

Regarding the practice of journalism, the Legislative Branch remains indebted to the media and communicators as it continues to prevent access to public information that allows for the social control that information activity requires. Regulatory asymmetries between different communication actors must be ended, and norms related to impunity for crimes committed against media and communicators must be reviewed and strengthened. Very especially, the sustainability and permanence of the media industry in Colombia must be sought, as a fundamental pillar of democracy, through laws that facilitate the exercise of information companies with benefits that already exist in other countries and that can be applied favorably in the country.

Judicial Environment

The judicial environment emits a slight degree of influence in situations adverse to freedom of expression.

There was slight influence on “Informed citizens free to express themselves”, on “Violence and impunity” and on “Direct and indirect control of the media”.

It is worrying that in the “Practice of journalism” there is a moderate influence of the judicial environment with a 2.83. The FLIP reports that during the year 33 situations of judicial harassment have arisen, in the abuse of judicial bodies to censor the exercise of freedom of expression or of the press, based on unfounded causes that materialize with lawsuits of a civil, complaints and protection actions against journalists and communicators.

Reprehensible is the decision of the Superior Court of Florence, in its Criminal Chamber, which confirmed the acquittal of a person linked to the murder of journalist Luis Peralta and his wife Sofía Quintero; this decision deepens impunity in crimes against journalists. The situation in the city of Tuluá (Valle del Cauca) in southern Colombia is very serious, where seven journalists were threatened by the criminal group Los Cancerberos and other groups outside the law who

have also exerted pressure to achieve closure of media and self-censorship of journalists. In June of this year, the Tenth Criminal Court of the Bogotá Circuit decided to acquit a former DAS (Administrative Department of Security) agent involved in the persecution, harassment, and torture of journalist Claudia Julieta Duque.

The four realms valued

After assessing the dimensions of “Informed citizens free to express themselves”, “Practice of journalism”, “Violence and impunity” and “Media control”, Colombia obtained 52.30 out of one hundred points in the Chapultepec Index, deteriorating its rating and evidencing a deterioration in the exercise of freedom of expression and of the press, being classified as a country where there is partial restriction on the exercise of these human rights.

Realm A. “Informed citizens free to express themselves”

In this realm, Colombia went from having a score of 12.43 to 11.00 out of twenty-three points, the dimension "Informed citizens free to express themselves" measures the "flow of information" and "free expression", being the flow of information the lowest qualified with a score of 5.00 out of 11.00.

The obstacles imposed by public officials at different levels to access to public information remain evident; This makes it difficult for the media to serve as guarantors of democracy and monitor the function of State entities, denouncing corruption, acts of embezzlement, and non-compliance with state contracts.

Realm B. “Practice of journalism”

Regarding the “Practice of journalism” Colombia went from having 7.4 to 6.33 out of ten points, which translates into a low restriction. This dimension aims to establish whether the Colombian State guarantees that journalists and communicators carry out journalistic activity.

Colombia maintains compliance with its international commitments related to copyright, intellectual property and related rights; no license is required to practice journalism in the territory, and the existence of native digital media allows the plurality of actors to carry out the activity of informing without establishing requirements or obstacles to bring information to readers on the different platforms that exist.

We highlight the ruling of the Civil and Agrarian Cassation Chamber of the Supreme Court of Justice that upheld the decision to acquit the newspaper *El Espectador* in a process of non-contractual civil liability for the publication it made on aesthetic medicine procedures. This corporation ratified the rejection of the lawsuit for financial damages filed by a doctor who was seeking compensation from the journalistic company for the publication of a complaint about irregular practices in the practice of medicine.

Different media outlets and journalists' associations have criticized President Gustavo Petro's hostile and repeated speech about journalism in addition to the media that criticize his management, with messages that seek to criminalize and detract from their credibility, seeking to pressure the media agenda to favorably address the management of your government.

The IAPA reports that during the year 2023, two journalists have been murdered due to the journalistic work they carried out.

Realm C. “Violence and impunity”

Regarding “Violence and Impunity” Colombia went from having 17.52 out of 42 points to having 14.30. This shows a serious deterioration in the dimensions of “protection”, “persecution” and “impunity” that affect the media and communicators in the exercise of press freedom in the last year.

Colombia obtained a score of 2.75 out of 5.00 in the index that measures the Protection of journalists and media, therefore decreasing in comparison to the previous measurement, in which it obtained 3.21. This is the result of systematic verbal violence by public officials at all levels, and candidates for different corporations. However, the role of the President of the Republic is especially worrisome as in most of his speeches he singles out and stigmatizes the media and communicators.

In relation to actions against Impunity, the rating given to Colombia was 4.17 out of 8.50, while in the previous measurement it had received a score of 1.5, evidencing a deterioration in this realm. This realm sought information regarding the State actions aimed at reducing the rates of impunity related to crimes against journalists, which, in the report of the Colombian Federation of Journalists, is 78%, as well as compliance with the sentences received by the Colombian State.

The acts of violence recorded against the media and journalists continue to increase, which has been aggravated by the inflammatory language of national government officials. The FLIP reports threats against journalists, with the aim of causing alarm, anxiety, and terror in the exercise of their work, as well as 49 stigmatizations issued by authorities or public figures aimed at discrediting media and journalists whose publications or opinions differ from the line of the official or person.

Concrete examples of this situation include the aggression suffered at the facilities of the *Semana* magazine by the indigenous minga in the city of Bogotá, the threats from groups outside the law in Tuluá, the attacks by former mayor Daniel Quintero on the newspaper *El Colombiano*, of Medellín, the attacks by the mayor of Rionegro, Rodrigo Hernández, on the web portal *Entre Ceja y Ceja*, the threats to the director of the newspaper *La Opinión de Cúcuta*, among others.

Realm D. “Media control”

Colombia was rated with 20.67 out of twenty-five points (last year it had obtained 19.86) in “Media Control”.

Regarding direct control, the experts rated Colombia with 16.00 out of 19.00 (last year it had obtained 14.43), although the difficulties in the practice of freedom of expression and the press are accentuated, it is worth highlighting that measures such as the revocation of concessions, expropriation, or confiscation of media with political criteria have not yet been applied; the discriminatory use of tax provisions or fiscal privileges for media related to the government, or the State allowing the granting of permits, the allocation of public funds and official advertising to be done with arbitrary and discriminatory criteria, rewarding favorable media and harming others. Those means contrary to the official position.

However, we must be vigilant because the bill that aims to “Democratize community and alternative media and comply with the peace agreement” would be a way to implement some of the actions that we have mentioned in the previous paragraph.

Regarding actions that seek indirect control, Colombia obtained a rating of 4.67 out of 6.0, deteriorating its rating since last year it had obtained 5.46.

What persists is what has been denounced in previous reports of this same index about the regulatory asymmetry in relation to digital platforms and other media (such as television and radio) that allows the former to access economic incentives that the latter they do not have and, consequently, this decreases their value and affects their sustainability.

Conclusions

The perception surveys completed by each of the experts for the period studied yielded the following conclusions:

In the first year of President Gustavo Petro's government, institutional actions regarding freedom of expression and the press in Colombia show a deterioration: 52.30 is the lowest score obtained in the study in these four years of its preparation.

The financial and sustainability crisis of the media resulting from structural changes in the business is now aggravated by constant attacks by government officials on their credibility, which has serious repercussions on the permanence of the jobs of journalists and communicators, as well as in the exercise of their right to work in decent and respectful conditions.

The figures from the different journalists' associations indicate that physical attacks and outbreaks through social networks against media outlets and journalists are on the rise, generating a climate of uncertainty and self-censorship that affects the right to inform and be informed as an essential pillar of democracy.

Impunity for crimes committed against journalists: homicides, threats and extortion continue to prevail, creating a permissive environment for those who act outside the law. This sends a message of inefficiency of the Colombian State to protect the media and communicators.

The State continues to have the task of seeking legal mechanisms that contribute to the sustainability and permanence of the media to prevent their disappearance, since they are a fundamental pillar of democracy and a source of direct and indirect employment. What is at risk here is democracy, which will be the big loser if the media disappears in the different cities, towns, and regions.

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