

URUGUAY

Executive Summary

Uruguay is a country where freedom of expression and the press is guaranteed by law, just as it is in practice. There is a favorable environment for the exercise of freedom of expression. However, certain partial restrictions were perceived; these are related to minor aggressions manifested through stigmatizing speeches, restrictions on the right of access to public information, and attacks on journalists and media by the government and senior officials. This trend, which was detected in the previous report and repeats in this new 2024 report, represents a low restriction on freedom of expression and the free information flow, ranking the country in the 7th position in the global index.

Introduction

At the moment of submission of this new survey, the country will be just over two months away from holding national elections, on October 27. During the administration of the current government of the Multicolor Coalition led by the representative of the Partido Nacional party and current president Dr. Luis Lacalle Pou, the Law 19.307 Law on the Regulation of the Provision of Radio, Television and other Audiovisual Communication Services (*Ley de regulación de la prestación de servicios de radio, televisión y otros servicios de comunicación audiovisual*) was modified. This law was approved during the administration of President José Mujica during the second administration of the Frente Amplio party. Broadly speaking, the changes aimed at changing the maximum number of licenses; remove some agencies created by the previous law, and the authorization of Internet licenses.

In terms of institutional health and quality of democracy, 70% of Uruguayans prefer democracy over any other form of government (Latinobarómetro, 2023). On a 0-100 scale, with 0 representing the perception of high levels of corruption and values, and figures close to 100 stands for a perception of very low levels of corruption, Uruguay obtained 73 points attaining the 16th place; citizens perceive a low level of government corruption compared to the 180 countries in the ranking, and occupying the leading position in the Latin American continent (Transparency International, 2023). In spite of this recognition, in respect of the exercise of freedom of expression, 28% of Uruguay's citizenry perceive that freedom of expression is "fully guaranteed" and 42% "fairly guaranteed" (Uruguay Report 2024, Latinobarómetro). According to the documentation consulted among the aspects to improved - amid the pluralistic context - are the current situation of media concentration, and the mild threats expressed through the demeaning speeches against journalists.

After conducting an inspection of the press and systematizing secondary sources, the survey reports the increase in the restriction of the freedom of the press in the realm of Violence and Impunity as different indicators like the vilifying discourse and the limitations on the right of access to public information by the Uruguayan government.

Analysis of the results

The score achieved by Uruguay in the 2023-2024 Chapultepec Index is 66.43 out of a total of 100 points, a result that represents 3.3 points lower than the 2023 score, and a drop from 5th to 7th place in the global ranking, but still remaining in the category of country with "Freedom with Low Restriction". The USA holds similar figures to Uruguay: A score of 68.53 (4th place), Jamaica with 66.89 (5th place), and Brazil with 66.55 (6th place). Chile leads the ranking with 79.66 points for the year 2024. For the present survey, no country attained the category "Country with Full Freedom of Expression"; This represents an overall drop from the study's previous survey.

The realm that best explains Uruguay's result in the Index, according to the experts' rating, is Violence and Impunity against Journalists and the Media, with a total score of 21.15 out of 40. This realm includes the actions or omissions by the government related to the protection of journalists, the prevention of attacks and aggressions against reporters and the media, the aggravation of penalties, and the legislation to avoid impunity in cases of crimes against journalists and the media.

In the analysis of the Legislative, Judicial and Executive Environments, for the first time in the Index's measurement history, the emergence of a "moderate" influence in the Legislative Environment in situations unfavorable to freedom of expression in the realm of Violence and Impunity against Journalists and the Media, is observed. The rest of the Environments recorded a "minor" influence as in none of the cases the score assigned in the realms measured by the experts exceeds 2.50 (maximum score of the rating). In relation to the realms surveyed, according to the experts consulted, the Environment that shows the highest influence on restrictions is the Legislative one.

Uruguay does not register serious threats like homicides, kidnappings, or forced disappearances of journalists. Despite this, after systematizing secondary sources like opinion articles, news, academic texts, and examining the press through the data collection technique, we registered 41 cases of restrictions of freedom of expression within the category of "minor threats" for the period from August 1, 2023 to August 1, 2024.

Of the total of 41 cases, 68.5% (28 cases) denotes aggressions or threats from the government, concentrated in figures of aggression and attacks (three); non-compliance with active or passive transparency, partial, incomplete or omission (news) delivery (9); intimidation speech or stigmatization of journalists and the media (5), civil or criminal proceedings against journalists (6), and abusive use of government power (5).

The Environment with the highest influence on the levels of restriction on freedom of expression, according to experts, is the Legislative. It has been observed in previous reports, the difficulties the Coalition has undergone on the process to modify Law No. 19,307 on the Audiovisual Content Dissemination Service in force since the second government of the Frente Amplio under the administration of José Mujica. This process began in the midst of the inauguration of the current administration in April 2020, with the presentation of a new project. In August 2024, it was approved in the Chamber of Senators. Some of the modifications incorporated in this new bill were described by the opposition as restrictive to freedom of expression.

REALM: CITIZENS FREE TO EXPRESS THEMSELVES

In this realm, the actions or omissions by the branches of the government related to the right of citizens to be informed and able to express themselves freely; as well as the actions of the government that allow or hinder citizens to receive content free of disinformation or distortion of reality, was analyzed

The experts' assessment for this realm was 20.29 out of a theoretical maximum of 30 points and is the second realm in the Index with the lowest score for Uruguay after the Violence and Impunity realm. As for the sub-realms that comprise it: Information flow was rated with 7.43 out of 11 points; free expression, with 6.57 out of 9 points, and disinformation, with 6.29 out of 10.

According to the annual report of the Unit for Access to Public Information (Unidad de Acceso a la Información Pública, UAIP), a regulatory body assigned by Law 18.381 on the right of access, during the year 2023, 8,862 requests for information were made. Out of this figure, 8,557 request were answered. This corresponds to a response rate of 97%, 4 points above the previous year, (94%). Of those 8,557 answered, 66 expired awaiting response (102 in 2022) and 239 were rejected (398 in 2022). The growing trend on the requests made to the government continues, as does the capacity to respond, which may suggest the strengthening of a culture of transparency among government officials with respect to compliance with this right. Yet, it is important to consider the proportion to the total population of the country: The number of applications received only represents 2.5% of the population. Therefore, the law continues to be a law of elitist use. This brings about the challenge of expanding the efforts to educate the citizenry on this fundamental right.

The results of active transparency of the National Index of Transparency and Access to Information (Índice Nacional de Transparencia y Acceso a la Información, INTAI) also designed by UAIP – displays that during 2023, of the 250 agencies under evaluation, 215 submitted their annual report, attaining a response level of 86% (22% more than the previous period of 68%). Active transparency relates to the information that the law requires to be published by government agencies without the prior mediation of a citizen's request. Take into account that the law is not binding for the actions of the UAIP, and it does not provide for penalties of any nature (financial or administrative) for those agencies or officials who fail to comply with it. This explains why more than 15 years after the law was approved, there are still a substantial number of entities that do not publish the mandatory information or fail to send their annual report to the regulatory body.

From the regulatory point of view, we have described how since the inauguration of the new coalition government presided over by Luis Lacalle Pou, the discussion on the Media Law (Ley de Medios) is on the public and governmental agenda. The main changes incorporated in this new law approved in the Senate are the following: a. it changes the maximum allowed number of licenses per owner, increasing from 3 to 5 licenses for radio and television in the capital city, and 6 in the provinces; b. cable TV owners are allowed Internet licenses to offer broadband services; c. the Fund for the Promotion of the Audiovisual Sector financed by the contributions of cable TV owners licenses for subscribers is eliminated; d. Article 72 adds the obligation by the media to provide complete, unbiased, serious, thorough, plural and balanced information, including all programs that broadcast information of political content; e. the Honorary Advisory Commission for Audiovisual Communication Services (Comisión Honoraria Asesora de Servicios de Comunicación Audiovisual), which had -among its duties- to have a voice over all the procedures for the issuance of authorizations and licenses for the provision of audiovisual communication services, is eliminated (Law on Authorizations to Provide Audiovisual Content Dissemination Services, Chamber of Senators, 12/20/2023) (Ley de las habilitaciones para prestar servicios de difusión de contenido audiovisual, Cámara de Senadores). In September 2024, when the lawmakers did not attend the General Assembly called to deal with the observations of the Executive Branch, the veto to this Article 72 was eliminated.

Currently, civil society representatives and academics are worried and oppose this new law, as it seems that it reduces the barriers to the creation of radio, television and other interactive media monopolies that affect freedom of expression and the quality of information that is presented to the citizenry. On the other hand, it should be noted that the new law, like the previous one, does not cover for social media and although some academics are beginning to discuss the need to guarantee the rights of citizens in the digital world, at present, this discussion is still incipient and has not made it to the government's agenda.

REALM: VIOLENCE AND IMPUNITY AGAINST JOURNALISTS AND MEDIA

In the realm of Violence and Impunity against Journalists and the Media, the score obtained was 21.15 out of a maximum of 40.

It is important to note that there are no serious threats like homicides, kidnappings, forced disappearances, and torture of journalists in the exercise of their practice in the country. The threats experienced by news people can be described as minor. In this section, some of the 41 cases of mild threats registered during the period covered by this report are described in greater depth, by responsible source and type.

As an examples of the aggressions and attacks by the government on media and journalists, are: On March 24, 2024, the journalist and director of the Uruguayan Press Association (Asociación de la Prensa Uruguaya), Ricardo Pose, received a message from military circles upset by his coverage published in the magazine *Caras y Caretas*, on corruption issues linked to wrongdoings in the Military Canteens Service. The WhatsApp message circulated within the military institutions and was forwarded to the journalist himself. The body of the message speculated about who could be the person who had leaked military documents, and it read: "He is already being monitored, you understand me? " This is part of the intimidating message the journalist had access to.

On June 20, 2024, the media employee and host of the radio program "Malos Pensamientos", Orlando Petinatti, interviewed Juan Raúl Ferreira, son of Wilson Ferreira Aldunate, an iconic figure within the National Party. The interview was part of the commemoration of the return to the country of the nationalist chieftain exiled during the military dictatorship (1973-1985) and at some point, the discussion turns to the reporter's question about whether Juan Raúl Ferreira considered his actions disloyal as he had changed political groups. The conversation escalated and the communicator was physically assaulted by the politician.

An example of stigmatizing discourse occurred on March 22, 2024. The National Party Senator, Graciela Bianchi, accused journalist Eduardo Prevé of being an operator for reporting on the call interception device known as *El Guardian*. In March, the journalist reported being investigated by the Ministry of the Interior seeking to gain access to his sources. On June 12, 2024, Senator Bianchi posted a video on her X account. In the post, she criticized different people like Gustavo Gómez, director of the Latin American Observatory of Regulation, Media and Convergence (Observatorio Latinoamericano de Regulación, Medios y Convergencia, Observacom); Andrés Danza, journalistic director of the weekly publication *Búsqueda*; and Eduardo Prevé, journalist and columnist for *M24* radio. In his post, he also identified the weekly *Búsqueda* and the newspaper *La Diaria* as "media outlets ideologically subject to the MLN and the MPP." This post was created after the chats between the former head of the presidential guard, Alejandro Astesiano, and President Luis Lacalle Pou were published, in which he informs him about the steps to be taken to determine if a business that the president of the PIT-CNT, Marcelo Abdala, had entered, is a "boca de drogas" (drug distribution center).

Another type of slight threat that is registered in the country are restrictions on the right of access to information. Some examples during this period surveyed: On December 13, 2023, the Communication Services Regulatory Unit (Unidad Reguladora de Servicios de Comunicación, Ursec) poorly responded to María Natalia Rodríguez, a journalist from the *Sudestada* media outlet. Rodríguez had asked for access to the data of community radio stations, so discriminating between those managed by the Ministry of Education and Culture for the use of shared frequencies and those managed by Ursec. Among other data, the response omitted to report on the mechanisms in place to ensure citizen's participation for the management and the expiration date of the award.

On February 19, 2024, the Municipality of Montevideo incompletely responded to a request for access to information made by *El Observador* journalist Ramiro Pisabarro, who asked the commune to provide all the studies for the year 2023 and the first two months of 2024 from the Public Opinion Monitor (Monitor de Opinión Pública). The Municipality agreed to give the information, but forwarded a link that only has information until June 2023. By the time of issuance of this report, the page had not been updated.

Among the complaints that reached the Judiciary, the following stand out: On January 16, 2024, the Prosecutor of Tacuarembó, Irena Penza, filed a complaint with the court of Tacuarembó against two journalists for a crime of "defamation and libel" and suggested that "a sentence be issued condemning the media outlet's representatives to the penalty of 4 months in prison and a fine of 15 Adjustable Units (Unidades Reajustables, UR) unless there is a retraction and right of reply." Judge José Silvestri filed the complaint. On June 23, 2024, after the publication of *Búsqueda* where the chats of Senator Bianchi and Sergio Botana about the impeachment case against the Mayor of Montevideo, Carolina Cosse, of the Frente Amplio, were disclosed, a criminal complaint was filed at the Prosecutor's Office for that publication alleging that these were private conversations.

REALM: CONTROL OVER THE MEDIA AND JOURNALISTS

The assessment for the realm Control over the Media and Journalism, according to the experts consulted, expressed a result of 25 points out of a maximum of 30.

The sub-realm with the lowest score was Control over the Exercise of Journalism with 6.71 out of a maximum of 10. It comprises the application or oversight of regulations that affect the exercise of journalism; facts that applies conditions to the development of independence, plurality and protection of sources, the restriction or denial of access to official sources to media critical of the government position, and the obligation to disclose media's sources. Although these actions represent the lowest average or an exceptional situation, they are in the records: on October 31, 2023, journalist Eduardo Prevé reported that the Joint Technical Commission of Salto Grande (Comisión Técnico Mixta (CTM) de Salto Grande) decided to remove advertising on *Radio Arapey* due to his participation in one of their radio programs. Also, journalist Martín Giovanoni, host of the *Primera Mañana* program on *Radio Arapey*, in Salto, announced that the delegation of CTM in Salto Grande decided to end an official advertising contract that would barely end in December. According to Giovanoni, during an editorial, on October 18 members of the delegation contacted the director of the radio station and told him that that they would withdraw at the end of the month because "they did not share the (radio) editorial line."

On June 14, 2024, the councilors of the Frente Amplio in the Carmelo municipality, Juan José Miguélana and Daniel Caraballo, requested to declare journalists Elio García and Miguel

Guaraglia as *persona non grata* due to the "systematic attack carried out" by both journalists against "the managing of the municipality, and its institutionality", as well as "the lack of respect for councilors", Miguelena stressed. The proposal did not obtain a majority of votes from the members of the municipality and did not succeed.

In terms of regulations, it should be noted that, in June 2024, the current government coalition added a new advertising rule into the Law on Party Funding (Ley de Financiamiento de Partidos). Its Article 12 establishes that in open and subscribed television "the same commercial conditions and purchase price must be set for political parties, internal sectors, list of candidates or candidate for any elective post that wishes to contract advertising." This law must be applied in the current electoral period. Comptroller bodies like the Electoral Court and the Communication Services Regulatory Unit (Ursec) will be in charge of supervising compliance with this law's articles and will have the power to apply sanctions for non-compliance. The same law, on its article 22 establishes that "Violations of the obligations and prohibitions referred to in the preceding paragraph shall be considered infringements and may be deemed as very serious, serious, and minor by the Electoral Court" and the following fines are provided for non-compliance: Very serious: fines up to 100,000 UI (one hundred thousand indexed units (UI)) to 200,000 UI (two hundred thousand indexed units). Serious infringements up to 50,000 UI (fifty thousand indexed units) to 100,000 UI (one hundred thousand indexed units), and minor infringements up to 10,000 UI (ten thousand indexed units) to 50,000 UI (fifty thousand indexed units). (Law No. 20,292; Modification of Law 18.485 Law on Political Parties; IMPO, 14/06/2024).

Conclusions

The general result of the Chapultepec Index for Uruguay, during the period covering August 1, 2023 to August 1, 2024, is 66.43 points, out of a total of 100. This result represents a new drop from 5th to 7th place in the ranking, keeping the nation in the "Freedom with low restriction" category.

On the analysis of the influence of the Legislative, Judicial and Executive branches, a decline in the restrictions by the Legislative in the realm Violence and Impunity against Journalists and the Media, is registered. The score results, firstly, from the continuous trend of mild threats like stigmatizing speeches against journalists, non-compliance with the right of access to information by public entities; these realms need to be monitored in future surveys, since they affect the free information flow and represent a form of restriction on freedom of expression.

From a regulatory point of view, this report has detailed the approval of a new Law on the Authorizations to Provide Audiovisual Content Broadcasting Services that changes the maximum allowed number of licenses per owner, allows Internet licenses to cable tv owners, and eliminates the Fund for the Promotion of the Audiovisual Sector and the Honorary Advisory Commission for Audiovisual Communication Services, a modification that must be monitored from the point of view of its impact on the creation of monopolies in the radio, television and other interactive media.

It is noteworthy the growing tendency on the requests made to the government its responsiveness capacity in the Informed Citizenship and Free to Express Themselves realm. This represents a conceivable strengthening of the culture of transparency among government officials. Simultaneously, there is a need to enhance efforts to educate the citizenry on this fundamental right with the purpose of modifying the yet elitist use of the law.

Although the realm Control over the Media and Journalists is best evaluated by the experts, there are exceptional actions of restriction of journalists to access information sources that will be monitored in future reports to further verify their status.

Finally, Uruguay is in the midst of an moment for national elections. If there is an change of government, it is important to know the impact both on the improvements in the levels of transparency registered, and the regulatory modifications and their continuity.

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