

COLOMBIA

DEFENSE OF INSTITUTIONS

Executive Summary

The climate of violence against journalists and media employees, media outlet shutdowns, homicides and threats are relentless in Colombia. During this period, the performance of the media, journalists and media employees have been characterized and conditioned by economic uncertainty, weaponized polarization, as well as systematic and permanent attacks from the executive branch on all its detractors. Colombia went almost twelve points down in the Chapultepec Index, scoring 40.34 points; it dropped from ranking ninth to ranking fourteenth in the barometer.

Introduction

In the Aug 2, 2023-Aug 1, 2024 period, violence and threats against journalists remained a serious problem, with multiple documented cases of intimidation, threats, and physical and on-the-cyberspace violence, especially in remote regions where armed conflicts or the presence of illegal groups are ongoing.

Legislation in Colombia includes laws –against libel and slander– leveraged to silence detracting vocal criticism and prosecute journalists.

Disinformation and fake news in digital media and social media, as well as communication directed by so-called “disinformation warehouses”, smear campaigns, and harassment on social media silence journalists and media outlets, and represent a challenge for professional journalism. This affects credibility and trust in the media, which ultimately harms all those who have the right to free, timely and truthful information: citizens.

On the other hand, the presence of illegal armed groups, such as ELN and dissidents from FARC, drug trafficking, crooked politicians, and “white-collar” thieves, make the exercise of journalism challenging. Journalists who investigate these issues are often the target of threats and attacks.

The executive branch has publicly stated its decision to grant state advertising funding of \$15 billion Colombian pesos to “Medios Alternativos, Comunitarios y Digitales”. This unequal distribution of advertising and access to information as a means of putting pressure on dissenting media and journalists is a persistent practice, affecting press independence.

These institutional factors bring on a scenario that is hard to deal with in the country, limiting journalists’ ability to report freely and independently. This is reflected in Colombia’s scored results in this Chapultepec Index survey.

Results Analysis

EXECUTIVE ENVIRONMENT

As a highlight, during this Index's survey the Executive premieres a strong influence in terms of situations unfavorable to freedom of expression at Citizens Free to Express Themselves. The President has not hesitated to disparage the media, journalists, op-ed columnists and journalists' guilds, dubbing them "Mafia puppets", "neo-Nazis" and "Mossad press". In a public hearing in Arauca, he tried to back his health reform's process, stating: "I find it concerning and dangerous that Colombia is subject to a state of opinion where the media decides whether a bill is presented, discussed and passed or not, when that is a Congress of the Republic's constitutional function". During the new ombudsman's inauguration, the head of state attacked female journalists stating: "Journalists from power holders, mafia puppets, built the thesis of terrorism in protest and the criminalization of the genuine right to protest and to say enough". When journalist María Jimena Dussan criticized her closest collaborator Laura Sarabia's brother, the President addressed her saying: "I have respected María Jimena over her journalist career, I consider her a true journalist and a victim of paramilitary violence. But following Vicky's career is a path of mistakes and lies". "Mossad journalism' prevails". He also attacked the Foundation for Press Freedom (Fundación para la Libertad de Prensa, FLIP) because it rejected his accusations against the media and journalists saying: "And when will Pacho Santos' FLIP be on the citizen's side against slander disguised as information?"

The above statements are a small sample of permanent smearing from the executive branch, showing why the score in this Chapultepec Index's survey peaks so high.

Regarding Control over The Media and Journalism, it is the only realm of the survey where the Executive's influence turns out mild. We hope that this will continue for a long time, as one of the President's main backers proposed "shouting down a traditional media outlet" because, the way he saw things, an excess of democracy is also harmful for Petro's government.

Historically, the Colombian government has held tense relationships with the media. Although in theory there is freedom of the press, in real life journalists and the media cope with political pressure from the local and national governments. This pressure is manifested in the allocation of government advertising, information blockades or even judicial persecution by the executive branch's representatives to silence dissenting voices.

At Violence and Impunity against Journalists and Media, the executive branch had a moderate influence in situations adverse to freedom of expression and press. This comes from verbal attacks against the media, journalists, op-ed columnists, media owners and, in general, from a hostile climate fostered by the head of Colombia's executive branch, whose lead is followed and imitated by his collaborators at all levels. In the regional executive environment, the behavior of some mayors from main cities such as Cali and Medellín was concerning. They did not spare name-calling to delegitimize their cities' regional media outlets for doing their job of overseeing how these public officials comply their duties to the citizens. This delegitimizing stance was expressed by stoking the country's polarization against the unrestricted exercise of the right to freedom of expression.

LEGISLATIVE ENVIRONMENT

The legislative branch's influence in each of the analyzed realms discloses the fundamental role it has played in the defense of democracy during the last year. However, it

signed a degree of influence from mild to moderate in situations unfavorable to freedom of expression.

At Citizens Free to Express Themselves, scoring 1.95 (slight influence), it is clear that the legislative branch has been largely respectful of freedom of expression and press, allowing the media, communicators and op-ed makers to access information on bills, procedures, discussions within each of the House and Senate committees, as well as access to hearings and plenary sessions in which bills addressing critical issues such as health reform, pension reform, land act, and agrarian jurisdiction are discussed, which are essential for the future of the economy and democracy.

At Violence and Impunity, its degree of influence is mild as it scored 1.62 in situations unfavorable to freedom of expression. Although violence and impunity against journalists has been a permanent concern both nationally and internationally, the legislative branch still is in charge of strengthening laws protecting journalism, since bills such as the Strengthening of the National Safeguarding Unit (Unidad Nacional de Protección, UNP) or that of Protection of Journalists in Conflict Zones have been not passed by congresspeople yet; it is also very important to decriminalize the types of crimes of libel and slander that still exist in the Criminal Code. Colombia is one of the few remaining countries that still penalizes the exercise of journalism with prison.

Ultimately, at Control over The Media and Journalism, the degree of influence is a mild 1.43, as in this period the legislative branch has not enacted laws that affect the exercise of freedom of the press.

JUDICIAL ENVIRONMENT

Note that in this judicial environment survey Colombia shows an improvement compared to the previous ones, with a mild 2.22 in situations unfavorable to freedom of expression. In previous surveys, the trend was a moderate influence.

As for Citizens Free to Express Themselves, where the score was 3.40, it is the only item in the judicial environment that presents a moderate influence in situations unfavorable to the exercise of freedom of expression. In Colombia, it is still possible that citizens are informed and free to speak their minds, without obvious interference from the judges of the republic in the exercise of fundamental rights. Judges continue to play a critical role in balancing freedom of expression with other rights such as the right to personal integrity, privacy and human dignity; in addition, in the already very common rallies and social demonstrations, although there has been abuse that goes beyond its purpose, judicial decisions affect some of the demonstrators, but they have not gone to the extent of preventing citizens from expressing themselves freely and have not limited, through judicial decisions, access to information.

As to Sub-realm Violence and Impunity against Journalists and The Media, the Judiciary scores 2.33 points, for a mild influence on incidents unfavorable to freedom of the press and expression.

There have been cases of judicial rulings against media outlets such as *Casa Editorial El Tiempo*, Medellín's *El Colombiano* and others involving journalists, activists, and public figures such as former mayor Daniel Quintero, or president Gustavo Petro himself, which raise questions about the exercise of freedom of expression in Colombia. In particular, the sentence against newspaper *El Colombiano*'s Daniel Quintero is concerning: an evident disregard for the exercise of freedom of the press is clear, since a public official is allowed to make permanent name-calling and slanderous remarks against those who question his public office, without this having any

consequences. It is a really serious message for the media, which would be tempted to remain silent in order not to be the object of angry and open panning by those in the government.

Impunity continues to reign when it comes to offences against journalists and media employees; homicide cases' statutes of limitations in recent years continue to expire. Judges, especially in the more remote regions of Colombia, are very often forced to avoid making statements that could be perceived as supporting of a party, in order to protect their lives and personal integrity.

Ultimately, at Control over The Media and Journalism, scoring 0.93, the Judiciary shows a mild influence regarding situations unfavorable to freedom of expression. Colombia continues to be a country in which there are no regulations or judicial decisions that have interfered with the control of the administration and ownership of the media. No licenses have been revoked or contracts terminated through judicial intervention that limit the exercise of the media and communicators, or prevent the creation of new content through the emerging platforms through which information is being distributed.

REALM CITIZENS FREE TO EXPRESS THEMSELVES

At Citizens Free to Express Themselves, Colombia scored 9.80/ thirty points available. This evidences a deterioration in the different sub-realms analyzed in this report.

Although public information flow is regulated by the transparency act and access to public information, the mandate that all citizens have the right to access public information or information held by government agencies is not complied with. Different agencies and officials keep refusing to provide general interest information to the media and communicators. Access becomes challenging under the pretext of confidentiality, national defense, security or privacy. Although public information access portals such as Sisben, Secop II and the Comptroller General of the Republic's website exist, the provided information is not sufficient, not easy to find, or not available for consultation by searchers. Journalists are still required to send requests and file protection actions to access information that is public and of general interest, such as the public accountability that public officials must deliver.

Free speech scores 3.40/ nine points available. FLIP has expressed concern about some remarks and actions of the President and his social media followers, considering that they could generate a hostile environment for the practice of journalism. Different political players use social media and hate speech to attack those who see and think things differently from them. President Petro frequently uses his X account to speak his mind, respond to dissent and confront journalists and adversaries.

Sub-realm Efforts from the government against disinformation scored 3.20 over ten. This is an evolving phenomenon that has effects in both political and social realms. The proliferation of social media and digital platforms, the dissemination of fake or misleading news, has impacted public opinion and societal developments significantly. The *Colombiacheck* portal posted a 2023 study on disinformation in Colombia, showing for example that in October 29 regional elections, photos and videos were real, but some of them were also old or taken out of context, media hoaxes and fake surveys or tricky graphics. It is noteworthy an alleged news story's audio file reported by *Noticias Uno* news host Mónica Rodríguez about an armed strike by the border commandos in Putumayo, a group dissenting from the former FARC, aimed at intimidating the civilian population to vote the governor nominee supported by said armed group, Joan Andrés Molina. *Colombiacheck* found out the audio file was fake.

Although disinformation is a complex problem hard to address without affecting freedom of expression, the Colombian government has expressed its intention to combat fake news through education campaigns and strategies to improve media literacy. However, until now, no specific legislation has been implemented to regulate disinformation, partly due to fear that it could be used by the current President to turn the media and journalists into a target for censorship.

REALM: VIOLENCE AND IMPUNITY AGAINST JOURNALISTS AND MEDIA

At Violence and Impunity against Journalists and Media, Colombia gets 9.34 / forty points available, which means a “high restriction”.

The sub-realm Protection of media and journalists hits only 0.90 over five points available, evidencing how absolutely unprotected media employees and op-ed makers are in such a complex country as Colombia, where innermost regions are the most hazardous.

A study from the Ombudsman's Office indicates that 47.7% of all human rights violations reported by journalists are caused by illegal armed groups, organized crime and common criminals, 21.2% of journalists reported having been attacked by political leaders, 13.2% said they had been attacked by members of the military and 12% said they had been attacked by public agency officials. Among those surveyed, 36% reported threats to their life and integrity, 37% to their rights to inform and express themselves, 17% to their psychological, moral and good name integrity and 10% to their economic and contractual rights.

Reporters Without Borders has released its most-dangerous-countries-to-report-from ranking. Colombia ranked 119th, as it continues to be classified as one of them. According to this organization, the issues posing the highest risk to the press are related to the environment, armed conflicts, corruption or collusion between politicians, companies, illegal armed groups and mafias.

Journalist persecution in Colombia has been a present concern due to the threats, intimidation and attacks they have to deal with for their work, especially when they investigate sensitive issues such as corruption, drug trafficking, armed conflict and human rights violations. Colombia has a lot of baggage regarding violence against journalists, particularly due to the armed conflict, as guerrilla and paramilitary groups often roam at ease all across the nation.

The lack of official effective and timely investigation is one of the major issues in Colombia. This is reflected in a score of 1.30 / eight points available at “Impunity” in the Index survey. According to the Foundation for Press Freedom, a high percentage of crimes against journalists do not end in trial or get stuck at the judicial procedure's initial stages. This includes not only murders, but also physical attacks, threats, and harassment. FLIP has reported that 78% of reported attacks against journalists between 1977 and 2022 went unpunished. Note that impunity not only affects direct victims, but also creates an environment of self-censorship among Colombian journalists and communicators, who prefer to avoid covering sensitive issues such as drug trafficking, corruption, or territorial conflicts so as not to endanger their lives and those of their families.

REALM CONTROL OVER MEDIA AND JOURNALISTS

Realm Control Over The Media and Journalism scored 21.20 / thirty available. This item assesses several instruments that intend to influence or limit the work of journalists, affecting freedom of the press and access to information in the country. The source of this control is various

players, such as illegal armed groups. According to a report published by an Feb 08, 2024 article by newspaper *El País*, criminal gangs intimidate media employees by sending them handout notes ordering to have them published in their media outlets under threat.

Direct control over the media turned out 11.60 out of fourteen. The Political Violence against Women Act, which was approved by the Congress and, in the opinion of FLIP, contains definitions with such a scope that they could lead to censorship or restrict criticism of public figures and officials, is noteworthy as it holds that any action, conduct or omission that is carried out directly or by third parties, in public or in private, based on gender elements, that causes harm or suffering to one or more women or their family, without distinction of their political affiliation, with the purpose or result of undermining, restricting, preventing, discouraging, hindering or annulling the recognition, enjoyment and exercise of political rights within the framework of electoral processes, will be grounds for sanction. Apparently, the instrument prohibits the ability to make any kind of remarks in relation to women in public office.

Indirect control yielded a score of 4.80 out of six. It is exercised through a series of subtle instruments that harm freedom of the press and freedom of the press equally. These instruments, often structural or economic, add pressure and self-censorship that affects the quality of journalism. Practices such as the awarding or elimination of advertising by mayors, governors and government agencies to media and journalists are added to the actions.

As stated in the IAPA's mid-year summit report, journalists in the regions have been victims of stigmatization by local authorities. In Rionegro (Antioquia), local authorities threatened journalists with legal action against those who posted fake news and denied the informative content through social media. In November, the mayor of Cali discredited an investigation by newspaper *El País*, which he described as fake, defamatory and slanderous. In December, the mayor of Santa Marta accused the media outlet *seguimiento.co* of publishing fake news and threatened to press charges if it continued to spread disinformation in the community. The board of directors of Cúcuta's City Council is working on a resolution to bar journalists from digital media outlet *Notifrontera* from entering to their premises in retaliation for their investigations into the aldermen's management.

Governing party House of Representatives member María Fernanda Carrascal pointed out from her X account that the media fueled hatred, distorted facts and resisted the political reforms pushed by the President. Alfredo Saade, a governing party politician, insisted on his X account on his idea of implementing actions to penalize and shut down media outlets that he accuses of harming the President's agenda. The above are just some examples of control attempted at being applied over the exercise of journalism, which in this edition of the Chapultepec Index yielded score of 4.80 out of ten.

Conclusions

The August 2, 2023 to August 1, 2024 analyzed period has been a time of enormous challenges for the exercise of freedom and the right to freedom of expression and press.

Intolerance has been thrown in to the pre-existing attacks against the media and journalists. Colombia's daily life unfolds in a now regular President's style of disqualifying remarks to media employees –especially women–, media outlets and, in general, his detractors, either through addressing the public or posting on his X account, all of which do not contribute to ensure a peaceful and respectful exercise of freedom of expression.

Impunity not only for murders, but in general for threats, attacks, and obstruction of press activity

continues to be Colombian justice's unfinished business with journalists and media employees, while judicial processes, protection efforts and condemnatory rulings continue to be frequent, all provoking self-censorship, silence and media outlet shutdowns throughout the country.

Violations to the public information access law prevent journalists from monitoring the opacity in the use of budget allocation to public agencies, direct contracting and other abundant crooked practices at government entities at the national and regional level and in all three branches of the government.

Ultimately, the Colombian government still needs to implement a policy to safeguard the existence of the media as an essential counterweight in a country's democracy and the active presence of journalists and media employees who contribute to broaden an environment of discussion with positive language, within the framework of an exercise of the rights to expression and information for everyone.

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