

ARGENTINA: TOWARD CONTROL OVER THE MEDIA

Executive Summary

In terms of numbers, Argentina improved slightly during this period compared to the previous one. However, acts of violence against journalists and the media have increased and the judicial system continues to be the enforcement arm when it comes to hampering the free exercise of journalistic labor.

Introduction

Argentina held an electoral event at legislative level in October 2021, in which the ruling party managed to reverse the very negative result obtained a month earlier during the primary elections. Subsequently, the ruling party managed to remain as the leading power in the House of Representatives while it lost its own *quorum* in the Senate. This situation left a government characterized by the internal division between the factions closer to the President and those supporting the Vice-President, and both with an obvious confrontation with the exercise of journalism (de Urieta, D., 2021).

In general, the results look very similar, compared with the Chapultepec Index of the previous year, but with some improvements. The Control over the Media realm, under the three environments, Legislative, Executive and Judicial, was the only one with setbacks.

However, the Executive environment continues to target the exercise of journalism through action or omission. A “judicial framework frail to pressure” (Reporters without Borders, 2022) continues to allow an environment in which, in some cases, civil and criminal lawsuits against journalists are the preferred choice to intimidate the exercise of journalism.

The low registry of unfavorable influence reflected at the Legislative and Executive environment has allowed Argentina to reach some improvement by 3/100 points with respect to the previous year, but clearly the Judicial environment is the one that holds the greatest problems.

Results Analysis

The end of the restrictions imposed due to the pandemic left several serious consequences in Argentina: it worsened the economic crisis, contributed to political polarization and deepened the institutional crisis in which the country is immersed, where the rule of law and the separation of powers are mainly affected, while leaving a “journalism under threat” (Inter American Press Association, 2021).

When comparing this period to the previous one, it becomes evident that the pandemic and the restrictions associated to it had a hard impact on the exercise of journalism. In spite of the increasing attacks against journalists, and the lawsuits and judicial harassment continue, Argentina shows slight improvements.

This period was mainly marked by legal actions and attacks against the Supreme Court. On this matter, beyond some positive improvements on the lawsuit against journalist Daniel Santoro, it is worth mentioning that the Judiciary has initiated other proceedings against him. Also, there have been other cases where the Judiciary has tried to violate the secrecy of sources, among other situations that challenge the freedom of expression (Inter American Press Association, 2021).

It is worth mentioning the ruling by the Supreme Court of Justice of the Nation to revoke a decision of the Civil Chamber favoring Natalia Denegri through an appeal to the right to be forgotten. The Supreme Court rejected that position and strongly upheld the right to information and freedom of expression (Infobae, 2022).

Still, the same figures show a clear trend: the exercise of journalism continues to be the most affected realm, mainly through the restrictions to official sources and even demands to allow access to sources of individual journalists (Inter American Press Association, 2021).

Nonetheless, the increase of violence against journalists (*Foro de Periodismo Argentino -Fopea-*, 2022) is a trend that has become stronger in recent years (Stanich, 2022). Physical and verbal attacks against journalists have become a routine for journalist during demonstrations and public mobilizations, often with the authorities' complicity or lack of action.

On the environments: Threatening, accusing and discrediting as a strategy against journalism

With the President posting a Twitter message calling journalism a “national shame” (Alfie, A., 2022), the Minister of Security publishing an intimidating message directed to cartoonist Nik for his criticism to the government (Infobae, 2021), or the Vice President of the Nation stating that “... Argentines deserve better media that do not embitter them that much” (El Cronista, 2021), it is clear that the strategy is to intimidate and discredit journalism.

In figures, the three environments display improvements with respect to the previous period, but such improvements have not sufficed to produce changes in the general rating of moderate influence on freedom of the press.

While the behavior of the Judicial environment ended in the year 2021 with negative signals toward the freedom of the press, during the first half of 2022 some positive decisions were made public, like the Supreme Court's ruling on Santiago O'Donnell (Télam, 2022).

Some improvement was also observed in the Executive environment. Regardless of the demonstrations, the actions and omissions by the President of the Nation, his ministers and his circle, the improvement is an evidence of how strong the drawbacks on freedom of the press had been during the pandemic.

Some improvement in this environment can be observed in spite of the Executive being inconsistent with holding of its own press conferences and those of the ministers. Still, an evident positive development occurred in September 2021 through the appointment of members of the opposition to public media (*Perfil*, 2021).

However, it is still challenging for journalists –especially for those critical– to gain access to statements or interviews with ministers or other Executive Branch members.

Regardless of the statements by Congressman Máximo Kirchner who accused the media of inciting hatred (*La Nación*, 2021), or the words by Senator Juliana Di Tulio who accused journalist Hugo Alconada Mon of alleged conspiracies (FOPEA, 2021), in general terms a slight change occurred in the Legislative environment.

Also, one Congress somewhat gridlocked by the lack of supermajority has prevented the passing of relevant legislative changes. While most of the restrictions imposed by the pandemic had been lifted during the period surveyed, many tactics continued to be an obstacle for journalists to efficiently cover the committee or plenary sessions of the different legislative branches in the country.

Realm A: Post-pandemic, information does not flow

Score: 14.9 (partial restriction). With an improvement of more than two points with respect to the previous period, it is observed that there are no major institutional restrictions in Argentina for the exercise of freedom of expression. In this sub-realm, Argentina achieves a score close to the top established (*máximo teórico*).

However, with regards to flow of information, the country's score is under the middle of the top established. Restrictions on journalists to access the legislative sessions or the courts where proceedings of public interest were taking place, were recorded in the provinces such as Tucumán, Córdoba and Santa Fe.

At the same time, the Agency for Access to Public Information (*Agencia de Acceso a la Información Pública*) designed to the fostering of measures and actions of active transparency, displayed clear signs of outstanding slow performance, polarization, and internal political clashes, making the access and dissemination of public information of interest cumbersome (FOPEA 2022).

Realm B: Despite improvements, journalism remains under siege

Score: 6.00 (partial restriction). While the Supreme Court issued a favorable ruling to journalist Santiago O'Donnell regarding the secrecy of sources and the last accusation against Daniel Santoro was revoked, there were also actions against freedom of the press during this period.

The cases of the journalist Diego Masci in San Luis, and that of the *Aire de Santa Fe* media outlet in the province of Santa Fe, show that there are still officials and even judicial institutions that question the secrecy of journalistic sources (Inter American Press Association, 2022).

Although there has been solid improvement with respect to the previous period, the level of influence of the Executive environment on the exercise of journalism is still strong. Evidence of this are the difficulties posed to access official sources and the unceasing allegations made by ministers and even by the President of the Nation with respect to journalism.

Realm C: Violence against journalists and the media escalate

Score: 18.1 (partial restriction). This realm had a significant increase. This is easily perceived not only by the number of reported cases of violence against journalists, but also by the addition of two serious cases of attacks against the media during this period.

In November 2021, a group of hooded men holding Molotov cocktails attacked the premises of newspaper *El Clarín* in Buenos Aires. A month later, a group of demonstrators - opposing mining development plans- vandalized and set fire to areas in the premises of newspaper *El Chubut*, in the Patagonian city of Trelew (Inter American Press Association, 2022).

On these two cases the authorities were able to arrest the suspects by relying on (security) cameras and eye witnesses. Nevertheless, this is uncommon when it comes to attacks against journalists, which -in most cases- go completely unpunished.

Realm D: An increase of actions of control over the media

Score: 16.1 (low restriction). Whether directly or indirectly, national and provincial authorities have taken actions to restrict and control the free exercise of journalism.

While in the previous report this realm bore the best output, during this period the situation reversed. Although serious situations have not yet been observed, inspectors have reported a rise in the attempts of control over the media.

This can be observed through the excessive amount of time taken by the national government to appoint members of the opposition in the area of public media, something that changed only by the end of 2021.

Conclusions

In this Chapultepec Index, Argentina climbed three positions and ranked one place below half of the table comprising 22 countries. Although Argentina has shown improvements, except in the Control over the Media realm, the nation has not yet managed to move out of the partial restriction on freedom of the press rating.

While there has been an increase in acts of violence against journalists and the media, it is remarkable that it was in the realm of Violence and Impunity in the Judicial environment where Argentina scored its greatest improvement. This is probably and ultimately due -in part- to the favorable rulings towards journalists like Daniel Santoro, and even the one on the right to be forgotten, which sets a clear precedent.

Nonetheless, there are no reasons to celebrate, yet. As stated in this report, clearly the country's progress simply reflects how somber the previous period was. Time will tell how the matter unfolds, especially in 2023, when a presidential electoral process will take place.

References

Alfie, A. (2022, February 10). *Alberto Fernández compartió un mensaje con un fuerte ataque al periodismo: "Una vergüenza nacional"* [Alberto Fernández shared a message with a strong attack on journalism: "A national shame"]. Clarín.

https://www.clarin.com/politica/alberto-fernandez-compartio-mensaje-fuerte-ataque-periodismo-verguenza-nacional-0_xViqZC9eKb.html

El Cronista. (2021, October 18). *Cristina: "Los argentinos se merecen mejores medios de comunicación"* [Cristina: "Argentines deserve better means of communication"]. *El Cronista*.

<https://www.cronista.com/economia-politica/crsitina/>

de Urieta, D. (2021, November 15). *Elecciones 2021: cómo hará el oficialismo para lograr que funcione el Congreso* [Elections 2021: how will the ruling party make Congress works]. *El Cronista*.

<https://www.cronista.com/economia-politica/el-oficialismo-debera-apelar-al-consenso-para-poner-en-marcha-el-congreso/>

FOPEA. (2021, December 29). *FOPEA rechaza las acusaciones de la senadora Juliana Di Tullio (Frente de Todos) en contra del periodista Hugo Alconada Mon, y advierte que se trata de un nuevo intento para estigmatizar y criminalizar la actividad periodística* [FOPEA rejects the accusations of Senator Juliana Di Tullio (Frente de Todos) against journalist Hugo Alconada Mon, and warns that it is a new attempt to stigmatize and criminalize journalistic activity]. *FOPEA*.

<https://www.fopea.org/fopea-rechaza-las-acusaciones-de-la-senadora-juliana-di-tullio-frente-de-todos-en-contra-del-periodista-hugo-alconada-mon-y-advierte-que-se-trata-de-un-nuevo-intento-para-estigmatizar-y-criminaliza/>

FOPEA. (2022, June 07). *FOPEA sobre la situación en la Agencia de Acceso a la Información Pública* [FOPEA on the situation in the Agency for Access to Public Information]. *FOPEA*.

<https://www.fopea.org/fopea-sobre-la-situacion-en-la-agencia-de-acceso-a-la-informacion-publica/>

FOPEA. (2022). *"Libertades bajo amenaza"* ["Freedoms under threat"]. *FOPEA*.

<https://www.fopea.org/wp-content/uploads/2022/05/FOPEA-ANUARIO-MONITOREO-LIBERTAD-DE-EXPRESION.pdf>

Infobae. (2021, October 11). *Un polémico tuit de Aníbal Fernández contra el dibujante Nik derivó en una denuncia y un pedido de disculpas* [A controversial tweet by Aníbal Fernández against the cartoonist Nik led to a complaint and an apology]. *Infobae*.

<https://www.infobae.com/politica/2021/10/11/un-polemico-tuit-de-anibal-fernandez-contra-el-dibujante-nik-derivo-en-una-denuncia-y-un-pedido-de-disculpas/>

Infobae. (2022, June 28). *Derecho al Olvido: la Corte Suprema revocó la sentencia que favorecía a Natalia Denegri* [Right to be Forgotten: the Supreme Court revoked the sentence that favored Natalia Denegri]. *Infobae*.

<https://www.infobae.com/sociedad/2022/06/28/derecho-al-olvido-la-corte-suprema-revoco-la-sentencia-que-favorecia-a-natalia-denegri/>

La Nación. (2021, August 27). *Máximo Kirchner acusó a los medios por el “odio que estigmatiza a determinados sectores políticos”* [Máximo Kirchner accused the media for the "hatred that stigmatizes certain political sectors"]. *La Nación*.

<https://www.lanacion.com.ar/politica/maximo-kirchner-dijo-que-santilli-es-un-caballo-de-troya-y-que-macri-rifo-plata-prestada-nid27082021/>

Perfil. (2021, September 29). *El Gobierno oficializó a los directivos opositores en medios públicos* [The Government made official the opposition directors in public media]. *Perfil*.

<https://www.perfil.com/noticias/medios/el-gobierno-oficializo-a-los-directivos-opositores-en-medios-publicos.phtml>

Reporteros Sin Fronteras. (2022) Argentina 2022. *RSF*.

<https://rsf.org/es/pais/argentina>

SIP (2022, October 19). *Argentina: Informe ante la 77a Asamblea General Virtual* [Argentina: Report to the 77th Virtual General Assembly]. *SIP*.

<https://www.sipiapa.org/notas/1214710-argentina>

SIP. (2022, April 19). *Argentina: Informe ante la Reunión de Medio Año 19-22 de abril de 2022* [Argentina: Report to the Mid-Year Meeting April 19-22, 2022]. *SIP*.

<https://www.sipiapa.org/notas/1215033-argentina>

Télam. (2022, February 17). *Suspendieron el fallo que obligaba a O'Donnell a entregar grabaciones a Mariano Macri* [They suspended the ruling that forced O'Donnell to deliver recordings to Mariano Macri]. *Télam*.

<https://www.telam.com.ar/notas/202202/583871-corte-suprema-odonnell-grabaciones-entrevista-mariano-macri-fallo.html>