El Salvador Information oppression and silence

Executive Summary

El Salvador remains in the category of countries with high restriction in the Chapultepec Index of Freedom of Expression and the Press 2024, with a score of 31.53, significantly below the global average of 48.18. Specifically, the country displays low scores in government policies to guarantee the right of the Citizens Free to Express Themselves (4.35) and to prevent attacks and aggressions against reporters and the media for the realm Violence and Impunity against Journalists and the Media (8.93). The scores in the realm of Control over Media and Journalism were remarkable this year (18.25), with direct control (10.10) and indirect control (4.60). The unfavorable influence of the Legislative Environment (7.53) and the executive (8.23) is strong in the exercise of freedom of expression and the press in the country.

Introduction

During the period surveyed (August 2, 2023 to August 1, 2024), El Salvador experienced presidential, congressional and municipal council elections. To begin with, Nayib Bukele's registration for a second presidential term was deemed as unconstitutional, as the Salvadoran Constitution prohibits immediate reelection in its articles 152, 154 and 248. These articles state that a president cannot be reelected immediately after their term, that their term lasts five years without the possibility of extensions, and that the prohibition of reelection cannot be changed. Despite this, in 2021, the Constitutional Chamber of the Supreme Court, under the control of Bukele's party, interpreted that the prohibition applied only to those who had held the presidency more than two consecutive times, allowing the reelection. This decision was criticized by the local (Cristosal, 2023) and international community, such as the Inter-American Court of Human Rights (Méndez Dardón, 2024), which considers that it compromises judiciary independence and democratic principles in the country.

Secondly, the electoral climate during the 2024 elections was characterized by a tense atmosphere, especially in terms of freedom of expression and the press. The Association of Journalists of El Salvador (Asociación de Periodistas de El Salvador, APES) registered more than 322 violations to media outlets and journalists. Among the main actions of the government are the restrictions on the access to polling centers and vote telling, along with the harassment of the critical press. These aggressions, mostly perpetrated by public officials through social media, ranged from digital harassment to direct restrictions to the exercise of journalism during the coverage of the elections.

Thirdly, on June 1, 2024 -the day of the inauguration of Nayib Bukele's second unconstitutional mandate- users on social media and citizen oversight committees on cyber security and internet censorship, reported the crash of the messaging application Telegram in El Salvador (Cea M., 2024). This raised concerns about the range of government control over freedom of speech and the press. These actions are regarded as a possible strategy to restrict the circulation of information critical of the government. The incident underlines on the risk that digital censorship measures could negatively impact on fundamental communication rights, affecting freedom of the press and the access to alternative online means of communication.

Finally, the Salvadoran Congress approved the 29th extension of the state of exception, President Bukele's security plan (Associated Press, 2024). This measure raised concerns about its political use to criminalize and persecute civil society members who raise their voices against the government in place. Several social leaders and active journalists have suffered harassment by the National Civil Police and the Armed Forces during the exercise of their functions. This action stresses on the tensions between the government and freedom of expression as manifested through reports of intimidation of critical voices and restrictions on the rights to protest.

Due to these events, and with a score of 31.53, El Salvador is classified in the category of countries with "high restriction" in the survey of the Chapultepec Index of Freedom of Expression and the Press 2024, significantly below the global average of 48.18, placing the country alongside countries like Bolivia and Guatemala, where restrictions on freedom of expression are severe.

This score is the reflection of a series of problems that include violence and exposure to public scorn in digital media (APES, 2024), the withholding of independent press journalists at voting centers by pro-government electoral authorities (Ramón, 2024), the hostility against journalists in the Salvadoran Congress (Velázquez and Meléndez, 2024), the direct and indirect control over community, independent, and traditional media (Radio Izcanal, 2024), and the poor action of the government against disinformation and the protection of citizens and media employees.

Result Analysis

In general, the degree of influence of the government environments is highly unfavorable, particularly in the Legislative (5.26) and Executive (5.83) Environments with a strong influence in circumstances adverse to freedom of information and the press. For its part, the influence of the Judicial Environment (4.53) is evaluated as "moderate" for the 2023 - 2024 survey.

The analysis of the Legislative Environment displays an unfavorable influence with a score of 5.26, placing it in the category of strong influence (5.01 - 7.50). This indicates that the Legislative Branch exerts considerable pressure on freedom of speech and the press. This represents an important obstacle to the development of a free and pluralistic media atmosphere. Legislative decisions appear to contribute to an atmosphere that is less conducive to the independent press and the free exercise of journalism.

The most serious legislative impact is observed in the category Citizens Free to Express Themselves, where a score of 7.53 was recorded which falls into the category of very strong influence (7.51 - 10.00). This result indicates a high level of legislative interference in the rights of citizens to be informed and express themselves freely. This seriously limits civic participation and access to truthful information. The regulation and bills passed by the legislative may contribute directly or indirectly on the restrictions of the people's freedom of speech.

On the other hand, regarding Violence and Impunity against Journalists and the Media, the Legislative also shows a strong influence with a score of 4.83, suggesting that laws and policies have not been sufficient to protect journalists or to adequately punish those who attack them. Finally, in relation to Control over the Media and Journalism, the Legislative Environment shows a moderate influence (3.42), suggesting that, although there are legislative restrictions on media control, these do not reach a critical level, but they do notably affect the diversity and freedom of non-government media to publish information related to public oversight.

This year's survey reveals a Judicial Environment that exerts a moderate to strong influence over Freedom of Expression and the Press in El Salvador. In general terms, the degree of unfavorable influence of the Judicial Environment is 4.53, reaching the moderate influence category (2.51 - 5.00). This indicates that, although it does not reach the most critical levels, the Judicial Environment reveals important obstacles that limit freedom of expression and the protection of journalists thus exposing an alarming - but not extreme - panorama in terms of judicial interference.

Regarding the protection of Informed Citizens Free to Express Themselves, the Judicial Environment obtained a score of 6.28, reaching the category of strong influence (5.01 - 7.50). This result suggests that the restrictions imposed from the judiciary are having a considerable impact on the people's freedom to express themselves and to access information, which weakens the ability of citizens to participate in a well-informed public debate with a diversity of voices.

Finally, regarding Violence and Impunity against Journalists and the Media, the Judicial Environment displays a score of 4.05, staying in the category of moderate influence. Although it does not reach the most serious levels, the lack of an effective judicial response to violence against journalists reflects a continuous problem that contributes to a climate of self-censorship and vulnerability for them. In addition, Control over the Media also has a moderate impact with a 3.25 score, which indicates that the Judicial Environment has a relevant role in limiting media plurality.

The Executive Environment in El Salvador has a significant unfavorable influence over freedom of expression and the press. In general terms, the 5.83 score puts it in the category of strong influence (5.01 - 7.50). This indicates that government policies and actions exert considerable pressure over the free exercise of journalism and public expression. The impact on the general media context is outstanding due to the decisions or policies that restrict or threaten the freedom of the media and journalists.

The greatest negative impact of the Executive Environment is observed in the category Informed Citizens Free to Express Themselves, where it reached a score of 8.23, revealing a very strong influence (7.51 - 10.00). This result displays that the executive plays an important role in limiting citizens' access to information and free speech. Restrictive policies or direct actions from the executive seriously affect the right of the people to be informed and to express themselves without fear of retaliation.

On the other hand, in terms of Violence and Impunity against Journalists and Media, the Executive Environment registered a score of 5.52, with a strong influence. This suggests that the government has not effectively corrected the violence against journalists or implemented sufficient measures to respond to impunity, which increases the risks for the media. Finally, in terms of Media Control and Journalism, the score of 3.75 reflects a moderate influence of the executive, indicating that although there is some interference, it does not reach such critical levels as in other areas, but it still affects media plurality and freedom in the country.

Realm Citizens Free To Express Themselves

In this realm, the score in the survey is very low for El Salvador (4.35 out of a theoretical maximum of 30). This indicates an extremely alarming situation in terms of the capacity of citizens to be informed and express themselves freely. The sub-realm comprising this realm, such as information flow (2.75), freedom of expression (1.60), and disinformation (0.00), reinforce the idea that there are serious limitations and impediments to the free exchange of

information and the exercise of freedom of expression in El Salvador, with remarkable impact of disinformation that negatively affects the access to relevant information and the plurality of ideas.

Information flow

All the government institutions exert considerable influence on freedom of expression, with an overall unfavorable score of 5.26. For example, the Legislative Environment displays the impact of restrictive regulations and reforms that affect the free exercise of journalism; one of them is the continuous extensions of the state of exception and the approval of laws that limit the control over public funds. The digital media *Gato Encerrado* reported that "reporters are monitored, watched over, controlled, limited, blocked and even censored" within the premises of the legislative (Velázquez and Meléndez, 2024). The score of 7.53 obtained in this environment indicates a significant limitation for the media and their audiences and displays the unfavorable influence over the flow of information that circulates from this institution to keep the people informed and therefore guarantee that they can express themselves freely.

The Executive Environment keeps exerting the most unfavorable and strongest influence over information flow. For example, La Prensa Gráfica (Cea and Segura, 2023) reported that the government did not provide complete or accurate information on COVID-19 deaths. The official figures disclosed were significantly lower than the estimation from international agencies or independent sources. Also, public information related to the management of the pandemic has been withheld, thus preventing access to vital data on the management of the health crisis. Alternatively, the personal data of 5.1 million Salvadorans was put on sale on the web for \$250. In May 2021, President Bukele vetoed the Law for the Protection of Personal Data (Ley de Protección de Datos Personales) and the Law for the Creation of the National Digital Authority (Ley de Creación de la Autoridad Nacional Digital). On this matter, information leaks in this area represent a major risk to the privacy and security of citizens as their data could be used for illegal activities, such as identity usurpation or fraud (Villarroel and Bernal, 2023). Cristosal (Report on the status of transparency: the institution of unclearness, 2024) reveals that 34% of the information declared as non-existent is related to the use of public resources. Among the institutions that incur more often in this sort of practices are the Attorney General's Office and the Court of Accounts (Corte de Cuentas).

Free Speech

The score of 1.60 out of 9 in this sub-realm reflects a significantly restrictive environment in respect to the opportunities that the government should offer to citizens to express themselves in the public arena. This low score suggests that there are strong perceptions of censorship and government control over content that is regarded as negative or contrary to government interests, especially those that challenge the power of the dominant political sectors.

An example is the crashing of Telegram during the inauguration of President Bukele (Cea M., 2024) as reported by international observatories. This represents a tangible case on the limitation to freedom of expression in the digital spectrum. The ostensibly blocking of this application restricts the ability of citizens to interact and share information, particularly at a critical moment for the nation's politics.

Also, the presence of aggravated circumstances for expressions of public interest, such as the increase of accusations of defamation and libel (APESc, 2024), contribute to a climate of self-

censorship. Citizens may feel inhibited from expressing critical opinions on fear of judicial retaliation or sanctions, thus negatively affecting the full exercise of freedom of expression.

Disinformation

The score in this sub-realm (0 out of 10 points) reveals that the Salvadoran government does not take effective measures to fight disinformation. This means a total absence of significant policies or actions to curb the spread of false or misleading information. Furthermore, it could suggest that there are no government efforts in place to promote truthfulness or transparency in the media and in the public space, which leaves the citizenry vulnerable to manipulation and the distortion of facts.

The analysis of the (information) verification of the website Infodemia displays that the government of Nayib Bukele is one of the main agents of disinformation in the country. For example, the magistrate of the highest electoral body in the country reveals that it is not true that the reelection of Nayib Bukele is legally legitimized as the president of the Supreme Electoral Tribunal assures (Rentería, 2024). On the other hand, the presidential commissioner for human rights and freedom of expression, Andrés Guzmán, assured that he has not received complaints from journalists on persecution or threats in El Salvador (Cornejo, 2023). During the verification process, Infodemia revealed that the statement was false (Redacción Infodemia, 2024). Finally, the alternative digital media also revealed the propagandistic use of the government media *Diario El Salvador*. During the vote count process, the medium published that "the opposition" had requested to count invalid votes as valid. The verification report revealed that the headline was false (Redacción Infodemia, 2024).

One of the tactics of Bukele's administration is to undermine the credibility of independent and mainstream media through posting - from his own account - of the profiles of youtubers and content creators. The newspaper *El Mundo* reported that President Nayib Bukele met with several youtubers, thanked them for their support, and talked about future projects in the country. During the meeting, he discussed issues about the development of El Salvador and the implementation of new initiatives that are being designed (Redacción Diario El Mundo, 2024). These actions demonstrate a pattern of the narrative of control and censorship that supports the perception on the restrictions on freedom of expression in El Salvador.

Realm Violence and Impunity against Journalists and the Media

The results in this realm in the Chapultepec Index for El Salvador are alarming. With a total index of 4.47 out of 20, the country shows serious deficiencies for the protection of journalists, thus attaining "zero" in this area. Persecution and impunity also show upsetting results, with scores of 0.30 and 1.18, respectively. These results indicate a lack of guarantees for the safe exercise of journalism, together with an atmosphere of impunity that aggravates hostilities against journalists and the media during the exercise of their work.

Protection

Violence and impunity against journalists, with a score of 2.42, shows how the Legislative Environment has not formulated sufficient measures to protect media employee and journalists. Community journalists from the Association of Participatory Radio Broadcasters

(Asociación de Radios Participativas, Arpas) (Radio Izcanal, 2024) and Focos TV, El Faro and Señal Capital (APESc, 2024) have reported institutional harassment and threats while expressing the state of impunity in cases of attacks against journalists. This reinforces the perception that laws do not effectively protect those who exercise freedom of the press which adds to an atmosphere of lack of safety for the critical media in El Salvador. The "Digital Audience Report" (Informe de Escucha Digital) (APESb, 2024) reveals that "Ernesto Alfredo Castro Aldana, deputy president of the Legislative Assembly, also from the *Nuevas Ideas* party, is one of the officials from the institution that most frequently assaults female journalists (Page 8).

In March 2024, a judge dismissed the \$10 million lawsuit against a journalist of *El Diario de Hoy* (EDH) newspaper and the media outlet itself for alleged defamation (Lemus, 2024). The lawsuit was filed by a company accused of pollution problems in a publication. Although the judge found no reasons for the payment of compensation, he ordered the journalist and the newspaper to publish a public apology under the argument that there was a negative impact on the company's image. This decision portraits how the judicial system, while not imposing severe economic sanctions, continues to favor sectors by demanding apologies on reports of public interest which could have an inhibiting effect on the freedom of the press.

The Freedom of Expression Report 2023 (APESd, 2024) underscores that female journalist in El Salvador face specific and alarming gender-based violence. The government and its stakeholders use gender-based attacks to discredit them, especially through digital harassment and misogynistic belligerence. Female journalists are object to comments criticizing their physical appearance and receive threats for their work. This results in serious psycho-emotional and work-related stress. This type of violence reinforces the atmosphere of impunity and censorship that disproportionately affects female journalists.

The "Sixth Report on Gender-Based Violence Statistics" (Linares Laínez and Echeverría, 2024) reveals that female journalists in El Salvador face exacerbated violence for their professional occupation which is manifested through physical aggression, harassment on social media, and threats, especially when covering sensitive topics or those that criticize the government. The main players involved in this violence include both public officials and users of digital platforms who use misogynistic insults, smear campaigns, and threats of sexual violence to silence them.

Persecution

The documentation of cases during this period showed an unclear performance by the Judicial Environment in support of the work of journalists. An example of this is the case of the environmental journalist from the independent media *Mala Yerba* who exposed the contamination of a hill by a private company (Espinoza and Sandoval, 2024). The scheduled hearing was suspended with no explanation and the case was filed. The Association of Journalists of El Salvador stated that "the journalist's right to due process and an adequate defense might have been violated" with that measure. This is not the first time that the environmental journalist has experienced this type of situation with the judicial system; her father was arrested under the state of exception after the publication of an investigation that reported contamination in Lake Coatepe. In December 2023, the journalist's father was released after paying a bail of US\$10,000 (Urbina, 2023). Despite international commitments to protect freedom of expression, the Judiciary has allowed these processes to restrict the exercise of journalism.

The state of exception of the administration of Bukele allows an atmosphere of political persecution for human rights advocates. One proof is the complaint filed by Ingrid Escobar, director of the Humanitarian Legal Relief (Socorro Jurídico Humanitario), who accused several government institutions of fabricating crimes against her. Escobar also reported being chased, illegal surveillance, and the interception of her communications through the use of tools like Pegasus. Such actions seek to silence her work for the defense of human rights and the victims of the state of exception (Alfaro, 2024) and they prove the low level of protection and the high degree of hostility experienced by those who criticize or challenge the Salvadoran government.

Impunity

The government of Nayib Bukele encourages impunity on the attacks against journalists by failing to implement a specific legislation that adequately protects media and the press. According to the Chapultepec Index, El Salvador scored 1.18 out of 8 in the sub-realm of impunity, which shows that there are no laws to criminalize cases of aggravated aggressions against journalists. Moreover, there are no judicial mechanisms in place to prevent the statute of limitations for these crimes, which makes it difficult for victims to access justice. This lack of legislative action contributes to a situation in which aggressions against the press can occur without significant consequences for the perpetrators.

Additionally, the Salvadoran government has not complied with international judgments and rulings (Reporters without Borders, 2024) that oblige the State to accept responsibility for crimes against journalists. It has neither implemented reparation measures for the victims. The fact that there are no aggravated sentences for these cases, strengthens the perception of impunity, as there are no judicial actions that discourage attacks against the press. This situation creates a climate of vulnerability and constant risk for journalists, who confront threats and attacks without the certainty that their cases will be investigated or prosecuted with the necessary seriousness.

Realm Control over the Media and Journalism

The results show a score of 18.25 out of 30, which reflects significant government intervention for this category. As for direct control over the media, with a score of 10.10 out of 14, it is evident that the government uses mechanisms such as the discriminatory allocation of official advertising and the granting of broadcasting permits for the benefit of government-friendly media while harming the critical ones.

Indirect control over the media, with 4.60 out of 6, indicates the restrictions against digital media through means like the pressure against third-party technology providers and suppliers of goods. Finally, control over the exercise of journalism, with 3.55 out of 10 suggests that there are measures that negatively impact over the freedom of journalists to carry out their work independently which results in a controlled and less pluralistic media environment.

Direct control

During the period surveyed, no cases of media outlets shutdowns by the government of Bukele were reported, either directly or to any human rights observatories. This section of the report has been created based on documentary evidences.

According to the report of the Human Rights University Observatory of the Universidad Centroamericana José Simeón Cañas (UCA) (Observatorio Universitario de Derechos

Humanos, 2023), the administration of Bukele has exercised direct control over the media through strategies that include the discriminatory use of tax provisions and the granting of permits that benefit media outlets that are aligned to his political stance while harming those that criticize or dissent from the government. This control also extends to the arbitrary allocation of official advertising which is used as a mechanism to financially benefit the media that support the regime and, at the same time, punish those that question it, thus limiting the plurality of information in the country. This configuration of privileges and sanctions directly affects the financial sustainability of independent media by forcing some of them to close or to a significant reduction of their operational capacity.

Indirect control

The dispossession or closure of critical media has not been widely and officially documented. However, indirect restrictions and pressures on critical media have been registered by means of the revocation of concessions based on political criteria. This reinforces the perception that the Salvadoran government has used this type of control to consolidate its media narrative by eliminating dissident voices and generating an environment of self-censorship among many journalists and media outlets.

The Salvadoran president also imposes control over the media through social media, primarily through the use of "X" (formerly Twitter) to enforce narratives and attack critics and journalists. Through his digital popularity, Bukele has fashioned a space where loyalty is rewarded and those who question his government are publicly punished (Reyes and Trejo, 2024). This dynamic has been used to dismiss officials and launch attacks against media outlets that do not follow his political line. In addition, there are reports of the use of digital surveillance, such as the software Pegasus, to spy on and intimidate journalists. Such actions reinforce the government's indirect control over the media by spreading fear and inhibiting the freedom of expression.

Control over the practice of journalism

The government of Nayib Bukele exercises significant control over the practice of journalism in El Salvador through various mechanisms that limit freedom of the press and promote self-censorship. According to the report by the Board for the Right to Defend Rights (Mesa por el Derecho a Defender Derechos, MDDD), the harassment of journalists has intensified since 2019, mainly through smear campaigns, digital harassment, and the implementation of legal reforms that seek to criminalize coverage of sensitive topics such as gangs and organized crime. Also, critical journalists experience threats, arbitrary detentions and surveillance by government security forces which creates a hostile environment for the exercise of their work (Mesa por el Derecho a Defender Derechos, 2024).

Tax harassment is another form of control used by the government as documented in cases like that of *El Faro* (Redacción El País, 2023), a media outlet that was subjected to multiple taxation audits under fabricated accusations which resulted in the media having to move to Costa Rica to continue operations. This systematic persecution against independent media reflects the intention of Bukele's administration to suffocate critical voices and establish a media discourse favorable to his administration. Moreover, impunity prevails in most of the cases of aggressions against journalists, which reinforces the climate of censorship and self-censorship in the country.

Conclusions

The overall balance of El Salvador in the Chapultepec Index 2023-2024 shows an alarming depiction in terms of freedom of expression, with a score of 31.53, well below the global average. The country faces severe restrictions in all realms, but the Legislative and Executive Environments represents the most negative influences. The results highlight how the legal framework and government policies contribute to the deterioration of guarantees for the exercise of journalism and freedom of expression, especially during electoral periods and in relation to critical issues such as public safety and corruption.

In the Legislative Environment, the restrictions emerge from the laws that limit transparency and the free flow of information, and from the continuous extensions of the state of exception. For its part, the Executive Environment obtained a critical score due to the use of digital tools to censor and block the dissemination of information, as it happened with the blocking of Telegram. These cases reflect the institutionalized use of censorship and confusion that seriously affect the ability of journalists and the media to operate independently.

Regarding the realm Violence and Impunity against Journalists and the Media, El Salvador shows one of the most upsetting situations, with a score of 8.93 out of 40. Attacks against journalists and the lack of admonitory sanctions by the judicial system reinforce an atmosphere of impunity that jeopardizes the safe exercise of freedom of the press. Despite continuous complaints, the government has shown little or no action to protect media employees which reveals a lack of commitment to the fundamental rights of journalists.

The data also highlights the perception among those consulted that the Control over the Media and Journalists is one of the main mechanisms to preserve the official narrative. The government has used both direct strategies (discriminatory use of official advertising and the granting of broadcast licenses) and indirect ones (digital surveillance and censorship in social media) to control the flow of information and limit public criticism. This control largely affects independent media and journalists who do not align with government positions.

In the realm Informed Citizenship and Freedom of Expression, the score of 4.35 reflects the poor capacity of citizens to access truthful and plural information. The government's influence over the media, and the institutionalized disinformation have seriously weakened access to independent sources. Additionally, self-censorship is a growing trend due to fear of judicial and social retaliation, which further undermines the free and open public debate.

Finally, the report highlights that in the coming period it is crucial to monitor the Judicial Environment, since, although it displays a moderate influence, it is a space that could define the direction of the guarantees of freedom of expression in the country. Judicial rulings on the cases of attacks against journalists and the compliance with international regulations in this area will be key points to follow with the purpose of assessing whether the government rectifies or continues on the path of censorship and impunity.

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