

# Limiting media freedom in democratic states

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# LIMITING MEDIA FREEDOM IN DEMOCRATIC STATES

How Governments Use Instruments  
to Curtail News Media Freedom

Erich de la Fuente



# **LIMITING MEDIA FREEDOM IN DEMOCRATIC STATES**

**How Governments Use Instruments to  
Curtail News Media Freedom**



# **LIMITING MEDIA FREEDOM IN DEMOCRATIC STATES**

## **How Governments Use Instruments to Curtail News Media Freedom**

DISSERTATION

To obtain the degree of Doctor  
at Maastricht University,  
on the authority of the Rector Magnificus  
Prof. Dr. Pamela Habibovic  
in accordance with the decision of the Board of Deans  
to be defended in public  
on Friday, June 24 at 10:00 hours

by

**Erich de la Fuente**

**Supervisor:**

Dr. Michael Cichon

**Co-supervisors:**

Dr. Mindel van de Laar

Dr. Eduardo Gamarra, Florida International University

**Assessment Committee:**

Prof. Dr. Khalid Koser (Chair)

Dr. Mariëlle Wijermars

Prof. Dr. Alejandro Alvarado, Florida International University

Prof. Dr. Chris de Neubourg, SPRI Social Policy Research Institute

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Key words: News media freedom, media freedom, digital news media, democracy, government instruments, Argentina, Chile, Latin America

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# **PREFACE**

I have always been curious about uncharted territories, so I have sought to embark on journeys into them to challenge myself in various aspects of life. This is why, two decades after completing my master's degree, I came back to school to pursue a Ph.D. And I knew I wanted to focus on a topic dear to me: Freedom of the press. Growing up in an authoritarian society where individuals could not express their ideas freely affected me early on, defining many of my life decisions. That feeling later deepened when I worked with and befriended independent journalists working in challenging environments around the world.

I have often heard people say that finishing a Ph.D. is like running a marathon. Having completed several marathons in the past, I can assure you that obtaining a Ph.D. is a much more demanding and grueling endeavor...but it is also worth it. To reach this destination requires a combination of individual hard work and self-accountability and support from many people, whose helping hands and guidance allowed me to navigate the tough terrain along the way.

I am particularly grateful to my supervisory team for guiding me throughout this endeavor: Dr. Michael Cichon, Dr. Mindel van de Laar, and Dr. Eduardo Gamarra. I am indebted to all of them for agreeing to take on this research topic (Limited Media Freedom in Democratic States), the relevance of which many doubted at the time of my proposal. The importance of the topic is no longer in question anywhere in the world, to the detriment of many independent journalists.

## **Preface**

Michael guided me through the many different levels of this journey. He had the patience to listen to my lengthy explanations and detailed accounts on almost every topic while rigorously challenging my ideas to help me achieve a greater level of analysis. I could always sense his great interest and personal commitment to working with me. He was extremely generous with his time, even after his retirement from the university. I am humbled to be the last fellow he supervised in his illustrious career.

Mindel was instrumental in keeping me connected to the world of academic research. It was her guidance that enabled me to convey my data in an academically appropriate way—one of the hardest challenges facing a two-decade field practitioner coming back to write a doctoral thesis. I am grateful for her time and support across a wide range of topics, all while simultaneously directing the GPAC<sup>2</sup> program.

Of equal importance to this dissertation is Eduardo, who was extremely generous with his time throughout this process and provided invaluable advice. My proposal was accepted on the condition that I could find an external advisor with expertise in Latin American politics, given that my case studies were from that region. I am humbled he accepted my request, because he is among the leading scholars in this field. His in-depth experience in the region was immensely helpful to my research and analysis.

Michael, Mindel, and Eduardo, thank you all very much for the support and, just as importantly, for the personal relationships we developed over these years. I could not have asked for a better team to guide me throughout this dissertation, and I now consider each of you a friend.

## Preface

Throughout this journey I also met many fellows with whom I shared numerous conversations over coffee and dinners. From narrowing research topics and challenging each other's theories to sharing personal stories, our get-togethers were always enriching and fun. Along the way, we had some amazing dinners, tasting food from all over the world. I had never had much Indonesian food, and now it is among my favorite cuisines.

That exchange of ideas helped me sharpen my research while building lasting friendships along the way. I would like to acknowledge Ana Cristina Calderon, Rafael Lemaitre, Edward Garnett, Kenroy Roach, and especially Silke Heuser and Ornsaran Pomme Manuamorn, who were not only part of my cohort, but also remained connected with me after graduating. Thank you both for not only continuing to exchange ideas with me but also for flying to Maastricht to be present at my doctoral defense. I feel blessed to have friends like you, and I look forward to continuing to strengthen our bond.

There are a number of people that supported me in other ways that made this journey possible. I want to thank all the journalists, media owners, government officials, academics, business executives, and nongovernmental association representatives who dedicated time to participate in my field interviews. A word of thanks also goes to my friends and colleagues who helped facilitate those conversations. I am also grateful to Khy Labri, Miriam Maroun, and Joe Balcer, with whom I engaged in meaningful conversations and received valuable feedback, and Natalia Bermudez, who helped me visually convey my research progress through PowerPoint presentations. Another big thank you to Bill Hurlbut for helping this dissertation to look great and read even better.

## **Preface**

A special thanks also to Dr. Chieh-Lin Fu, MD, and her team at Cleveland Clinic, who detected an inherited life-threatening condition that is often a silent killer. After years of being misdiagnosed, she discovered it shortly after I started my Ph.D. It was challenging to endure the first few years of the treatment while also working full time and conducting my dissertation research, but thanks to their ongoing (and great) medical care and the inner strength I receive from God, I can now live a healthy life.

I am forever indebted to my mother, who raised me after my father died in my early years. She only completed the fourth grade, but the most important lessons I have received in my life came from her: Honesty above all, integrity, hard work, self-reliance, and confidence while remaining humble. She never gave me a talk about these topics; she just set an example for me to follow, every time. She did always say, “Do not spend much time complaining about a problem, because that is time you can spend resolving it.” I agree! The challenges of being poor while growing up or having to flee my native Cuba and migrate to two different countries before finally settling in the United States were never the center of the conversation in our home; being grateful and receiving love are my main childhood memories.

I dedicate this book to the two most special people in my life: My wife Nadiya and my son Nikolai. There are no words I can write that would do justice to the gratitude I feel for the unconditional support I received from Nadiya these past years. You have been there every step of the way, encouraging me to follow my dreams of earning a Ph.D., supporting me during my low points, celebrating our milestones, and sacrificing many weekends and holidays together, all while always being caring and inspiring.

## Preface

This unwavering support was there even during the last stage of the Ph.D. journey, when her native country of Ukraine—a place very dear to both of us—was being destroyed by an invasion ordered by a dictator who represses independent media in his attempts to hide the truth. Thank you for everything. Earning this Ph.D. would not have been possible without you.

The final words of my acknowledgements go to the guiding force in my life: My beloved son Nikolai. He came into my world in the middle of this journey and being with him each day drives me. I would regularly work on my thesis in the early morning hours while it was still dark and quiet. Like me, Nikolai gets up very early. I would take him back to bed, telling him that it was important to sleep while it was dark. One very early morning, he walked into my home office and asked, “Dad, how come you don’t sleep when it’s dark?” I laughed, and from that day on, I stayed with him every time he woke up. Son, you are my source of inspiration and energy for being a better person and father. I strive to pass on to you the same values my mother passed on to me, and to do them not by preaching, but by showing you. I hope your mom and I can inspire the curiosity and drive to pursue your own journey through uncharted waters to achieve your goals, and I hope you know we both will be there for you, unconditionally, along the way.



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# **ACRONYMS AND ABBREVIATIONS**

ACHR	American Convention on Human Rights
ARTEAR	Arte Radiotelevisivo Argentino
ENACOM	National Communications Entity
GDP	Gross domestic product
IACHR	Inter-American Commission on Human Rights
ICCPR	International Covenant on Civil and Political Rights
ISP	Internet services provider
OAS	Organization of American States
UN	United Nations
UNDHR	Universal Declaration of Human Rights
UNESCO	United Nations Educational, Scientific and Cultural Organization
VAT	Value added tax



# **1 INTRODUCTION**



## Chapter 1 | Introduction

*“Freedom of the press is a precious privilege that no country can forgo.”*

Mahatma Gandhi

### 1.1 Introduction

Media freedom is considered an important pillar of contemporary democracies (*Sen, 1999; Czepek, et al., 2009; Stier, 2015*). Access to various sources of news information espousing different perspectives is widely viewed as critical to enabling citizens to form opinions on topics that affect their lives. An independent news media is also crucial to holding governments accountable for their actions (*Freedom House, 2016; Reporters Without Borders, 2016*). According to the United Nations Educational Scientific and Cultural Organization (UNESCO), the ability of independent news media and journalists to monitor, investigate, and criticize government policies facilitates democracy and good governance (*UNESCO World Freedom Day, 2014*). Literature recognizing the crucial role of news media in a functioning democracy often considers the level of media freedom a good indicator of a democratic society, connecting constraints on press freedom with a broader decline in freedom overall (*Gandour, 2016; Deutsch and Becker, 2014*). Others see the relationship between the media and democracy as so closely interlinked that each needs the other to thrive (*Trappel & Nieminen, 2018*).

By the mid-2010s, however, several reports pointed to a political puzzle that was becoming increasingly visible. Various countries classified as

democratic were experiencing a decline in freedom of the press (*Council of Europe Commissioner for Human Rights, 2014; Freedom House, 2014; Reporters Without Borders, 2015*). This apparent anomaly raised the question of how democratic governance can coexist with limited media freedom. This research digs deeper to further understand this unexpected scenario.

### 1.2 Expected and Unexpected Relationships Between Democracy and Media Freedom Rankings

Few global data sets rate levels of both democracy and media freedom. However, one organization, Freedom House, consistently produced unique data sets, containing separate assessments of media freedom (*Freedom of the Press* report) and level of democracy (*Freedom in the World* report), for over three decades in more than 150 countries. In its reports, each country is given a numerical score and categorized as being “Free,” “Partly Free,” or “Not Free” based on that score (*Freedom House*).<sup>1</sup>

A cross-tabulation of its 2016 indexes at the end of this research study period (2000-2015) shows that the two reports often reach similar, although not identical, conclusions. Data sets rate approximately 75 percent of countries similarly (Figure 1). In other words, countries considered “Free”

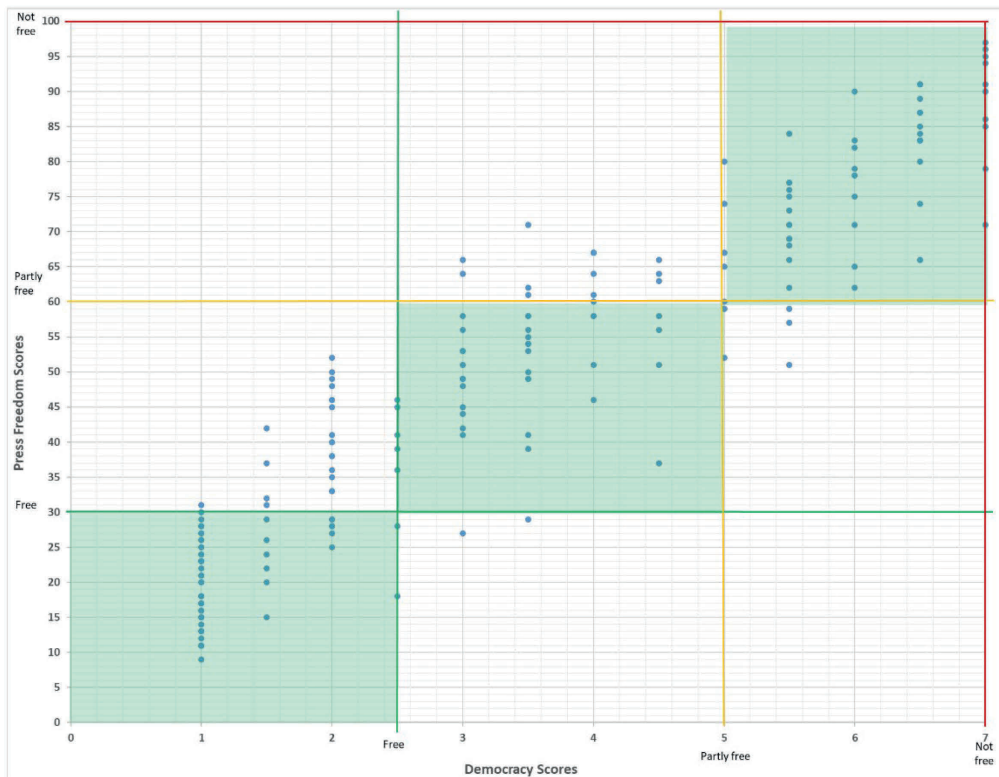
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1. The organization’s media freedom rankings analyze three subcategories: (1) political environment - the extent of political interference, via intimidation, censorship, or coercive means, for example. (2) legal environment - constitutional and regulatory means; and (3) economic environment - independence of editorial decisions from economic interests (*Freedom of the Press Research Methodology – Freedom House*). Its democracy index measures political rights and civil liberties. The political rights questions are grouped into three subcategories: (1) Electoral Process; (2) Political Pluralism and Participation; and (3) Functioning of Government. The civil liberties questions are grouped into four subcategories: (1) Freedom of Expression and Belief; (2) Associational and Organizational Rights; (3) Rule of Law and (4) Personal Autonomy and Individual Rights.

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democracies tend to receive a “Free” rating in media freedom. Those categorized as “Partly Free” democracies most often have a “Partly Free” media freedom rating, and those ranked “Not Free” are usually determined to have a “Not Free” media freedom environment (*Freedom House, 2016*).

Figure 1: Global Rankings—Democracy and Media Freedom Scores (Freedom House – 2015/2016)



Countries with the same score are illustrated with the same dot on the chart. For example, of the 86 countries ranked as “Free democracies,” 60 received a “Free” press freedom score, although visually, there appear to be fewer than 60 dots in that quadrant. The shaded areas (lower left, center, and upper right) represent the expected outcome.

Source: 2016 Freedom in the World and Freedom of the Press reports – Freedom House

While the correlation in Figure 1 is clear in reflecting that most countries that have a high/low score in one index also have a high/low score in the

other index, which is expected, a group of countries where the situation is more complex is also identified. They show an unexpected relationship between democracy and media freedom. Approximately 25 percent of the countries receive divergent classifications. In other words, one in four countries do not receive the same “Free,” “Partly Free,” or “Not Free” score in both reports. Of these countries, most are categorized as either a “Free” democracy with “Partly Free” media (26 countries) or a “Partly Free” democracy with a “Not Free” media (17 countries). An additional three countries are ranked as “Not Free” countries with “Partly Free” media freedom scores, while two island countries in the Pacific are classified as “Partly Free” countries with “Free” media freedom scores.

In Figure 2, boxes 1, 5, and 9 illustrate the three categories reflecting how countries are expected to behave, with the majority (75 percent) conforming to this expectation. Boxes 2, 4, 6, and 8 highlight the 25 percent of countries where an unexpected relationship between democracy and media freedom exists. However, in no case do the two assessments rate a country more than a single category apart, i.e., there are no countries rated “Free” on one index and “Not Free” on the other. Hence, there are no countries in boxes 3 and 7, which have thus been described as not applicable (N/A).

While the concepts of democracy and media freedom are relevant globally, it is essential for this study to focus on countries that display the pattern of partly free media within democratic states. Thus, this research does not cover all observations from Figure 2, but rather focuses on those in box 4, which display these characteristics.

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Figure 2: Expected and Unexpected Relationship between Democracy and Media Freedom Rankings

		MEDIA FREEDOM RANKING		
		FREE	PARTLY FREE	NOT FREE
DEMOCRACY RANKING	FREE	1. Expected (60 countries)	<b>4. PUZZLE driving this research (26 countries)</b>	7. N/A
	PARTLY FREE	2. Puzzle (2 countries)	5. Expected (42 countries)	8. Puzzle (17 countries)
	NOT FREE	3. N/A	6. Puzzle (3 countries)	9. Expected (49 countries)

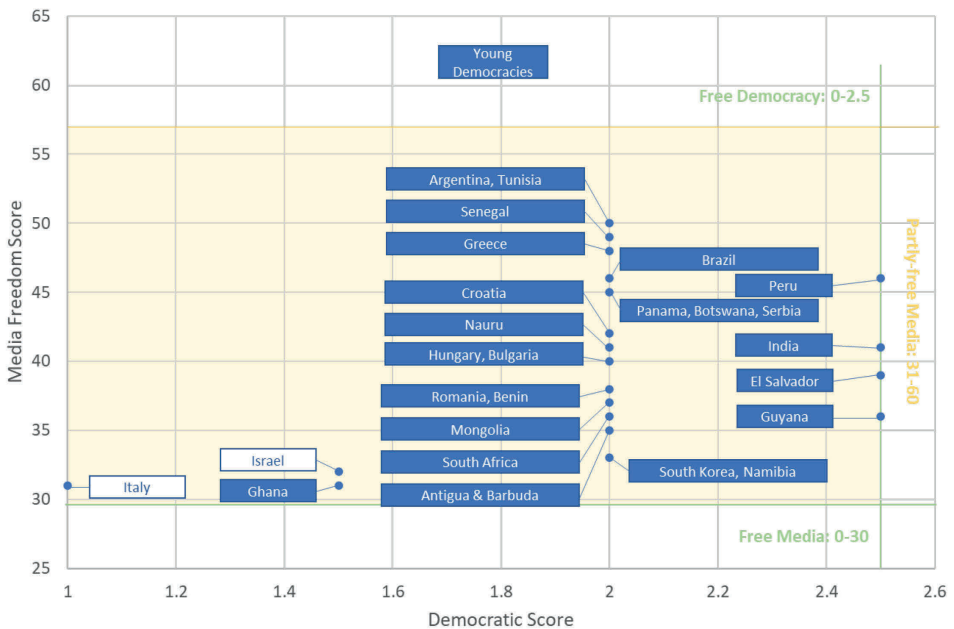
Source: Own analysis based on data from the 2016 *Freedom in the World* and *Freedom of the Press* reports

Global data points show that of the 86 countries classified as “Free” democracies (rather than “Partly Free” or “Not Free”), 26 have “Partly Free” media freedom levels (see Figure 3). This indicates that approximately 30 percent of countries ranked as “Free” democracies are underperforming on media freedom. Identifying the 26 countries in this category also reveals that the majority are nations that political science literature refers to as “young democracies,” generally defined as states that adopted democratic forms of government at some point after 1960 (*Converse & Kapstein, 2008*). Figure 3 shows the countries from various geographic regions placed in that category.

Data sets pointing to authoritarian or illiberal regimes faring poorly in their news media freedom scores come as no surprise, as the literature suggests this is expected behavior (*Eda Keremoğlu & Nils B. Weidmann, 2020*). Many of these types of governments have historically imprisoned, intimidated, and used force against journalists. Media outlet closures and

internet shutdowns have also been part of their toolkit. However, finding countries ranked as free democracies underperforming in press freedom is inconsistent with strands of literature, which consider media freedom a fundamental pillar of a democratic system (see Section 1.1). The issue has traditionally drawn less attention, especially among groups categorized as free democracies, since press freedom is often considered characteristic of their political systems.

Figure 3: Free Democracies with Partly Free Media



Source: Own compilation based on data from the 2016 *Freedom in the World* and *Freedom of the Press* reports.

However, it is increasingly clear that even democracies are not exempt from declines in media freedom. But media freedom setbacks in these democratic societies are not characterized by overt, authoritarian-style measures such as jailing and torturing journalists, or closing down news outlets, shutting down internet services, or conducting cyberattacks. Instead, media freedom retreat

## Chapter 1 | Introduction

occurs incrementally, often under a legal facade. Government instruments also tend to be implemented subtly, often sliding under the public's radar and slowly eroding press freedom.

### 1.3 Research Question

This research focuses on a central question and several related subquestions that examine how policy instruments employed by democratic governments in this category (free democracy/partly free media) could influence levels of news media freedom.

#### 1.3.1 Research Question and Subquestions

Main research question:

- How do governments influence news media freedom in young democracies in the digital era?

Subquestions:

- What are the main categories of instruments used to curb media freedom?
- What instruments are used in each category?
- How do governments employ those instruments in their interactions with the media?

#### 1.3.2 Focus on Digital News Media

This research has a particular focus on digital news media, defined as encompassing online-only news publications and online outlets that are part

of traditional media (print, radio, and television). Digital news media outlets are an emergent force that has profoundly changed the media landscape since the turn of the millennium. Focusing on digital news media will prove helpful for future academic research, as the trends point to media continuing to move rapidly toward the digital space. The number of global internet users increased from one billion in 2005 to more than three billion in 2015, and it has continued to grow, reaching almost four billion in 2019 (*Statista, 2019*). Digital news outlets are expanding, and global digital news audiences are exponentially increasing (*World Association of Newspapers and News Publishers, 2014; University of Oxford, 2020*). Local newspapers and their websites remain the top news source about their regions in most countries (*Newman, 2020*). Not focusing on digital news media risks making media-related research obsolete in the very near future.

Compared to traditional media, digital news media has implications for democratic governance accountability that are yet to be well-understood. This is because digital transformation enables a larger group of individuals to access a myriad of news sources using various devices (desktop/laptop computers, tablets, mobile phones, etc.) from many locations (homes, offices, public transport, internet cafés, etc.). The ownership, creation, and management of digital news media can also be invisible and transboundary. At the same time, the costs associated with running these outlets are much lower than they are for traditional media (*Evens, 2018*). This has made information easier to disseminate and government control of it more difficult (*Hong & Kim, 2018*). In addition, some government actions used to exert influence over traditional media cannot be applied to the digital news media



## Chapter 1 | Introduction

landscape. Tactics such as not renewing a TV or radio license or preventing a print daily from accessing paper lose relevance in the digital era. Yet, the explosion of digital media also creates whole new ways for governments to exert influence.

In this evolving media-governance environment, authorities aiming to limit press freedom continue to modify their approaches, relying on measures they have found effective in the past and devising new ones for the digital age. The initial hyper-enthusiasm among news-freedom advocates in the early stages of the internet era, has tempered as governments modify their mechanisms to engage with technology-savvy media outlets in an attempt to protect their interests (*Morozov, 2012; Tsui, 2015; Xu, 2020*). As digital communication technology poses a challenge to governments, they will explore new possibilities for developing automated censorship software to detect unwanted content and scan network traffic to single out users' transmission information (*Keremoğlu & Weidmann, 2020*).

This research is conducted in the context of digital news media because the media industry is facing stiff economic challenges resulting from digital transformation. Research shows that independent news outlets, particularly those outside the Western world, find it difficult to remain commercially viable in this new environment (*Schiffrin, 2019*). They are grappling with serious financial problems, with many succumbing to economic troubles or barely managing to survive (*Dragomir, 2018*). This economic situation naturally makes news outlets more susceptible to government pressure aimed at limiting press freedom, making the focus of this study even more relevant.

## 1.4 Core Concepts

Following are the core concepts most deeply related to this research. This section will cover the definitions used in this research for the terms “Media Freedom,” “News Media,” “Policy Instruments,” and “Democracy.”

### 1.4.1 Media Freedom

International watchdog organizations define “media freedom” as the “degree to which each country permits the free flow of news and information” (*Freedom House*). The United Nations (UN) Universal Declaration of Human Rights considers press freedom a right that protects individuals “to seek, receive and impart information and ideas through any media and regardless of frontiers” (*United Nations, 1948*). For some scholars (*Price, 2002*), media freedom requires that the government not monopolize information. McQuail (2000) argues that media freedom covers the right to publish without any prior censorship or incurring penalties, and the levels of freedom citizens have to access media content. He traces the roots of media freedom to the writings of Thomas Paine and Edmund Burke, who famously called the press the “fourth estate,” focusing on its ability to criticize the government. Van Belle (2000) conceptualizes the term as a safe environment where journalists can criticize political and economic elites. The definition used in this research is consistent with this thread of literature. It follows Whitten-Woodring and Van Belle (2017), who define media freedom as the ability of journalists to report freely and hold those in power accountable without reprisals from authorities. This study takes this approach to focus on policy instruments employed by governments attempting to curtail media freedom.

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### 1.4.2 News Media

“News media” is defined in this research as media outlets that publish news content about government-related topics. It aims to differentiate these media outlets from those that cover other subjects, such as entertainment, sports, and other areas not routinely related to a government and its policies. Within news media, this research refers to both traditional and digital news media. “Traditional media” refers to print, television, and radio news outlets. “Digital news media” is used to describe news outlets that transmit digitized content via the internet, primarily via text, audio, and video—digital newspapers, blogs, and internet television and radio programs. This study does not include social media, as the primary purpose of most social media was not to carry journalistic news content<sup>2</sup> during 2000–2015, the period addressed by this study.

### 1.4.3 Policy Instruments

The term “policy instruments,” as used in this study, follows Howlett’s model (1991), which defines it as “a myriad of tools and techniques at the disposal of governments to implement their objectives.” In that same vein, Carney (2015) characterizes them as “tools used by governments to pursue a desired outcome” and sees their implementation as a way to form a coherent strategy, with Cuilenburg and McQuail (2003) referring to specific examples of instruments affecting the media, such as economic measures and regulations. For the purposes of this study, policy instruments are

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2. Social media are not included in this study because they are platforms that disseminate information rather than online digital news media outlets that produces journalistic news content. It is an important medium to be included in further research, but it is beyond the scope of this thesis.

considered as the pressure tools governments employ in their media interactions to affect news media freedom.

### 1.4.4 Democracy

Defining democracy is a constant and ongoing argument among scholars. Few concepts in political science have been subject to closer scrutiny and debate for as long as “what constitutes a democratic state” has (*Diamond, 2002*). Some scholars advocate a minimalist definition based primarily on obtaining power via a competitive struggle to obtain people’s votes (*Schumpeter, 1950*). Others posit that in addition to free, fair, and competitive elections, democracy includes other freedoms—including freedom of expression and the press—that provide alternative sources of information to the public (*Dahl, 1971*). Some build on that theory, arguing that news media freedom is so crucial to democracies that even free and competitive elections can be considered defective if the electorate does not have the freedom to obtain news from competing positions (*Sen, 2009*). It is beyond the scope of this research to engage in a debate about the characteristics of democracy. This study uses the Freedom House Democracy Index to describe the democratic status of countries being studied. The organization defines democracy as consisting of two dimensions: Political liberties, which include a free electoral process, political pluralism and participation, and a functioning government; and civil liberties, which include freedom of expression and belief, associational and organizational rights, respect for the rule of law, personal autonomy, and individual rights.

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This study does use the term “young democracy,” which Converse and Kapstein (2008), who conducted extensive scholarly work on the subject, describe as “states that adopted democratic forms of government at some point since 1960.” They point to how data sets have historically tended to lump together democracies before and after that year. Other scholars define young democracies as countries that emerged after 1974 (*Keefer, 2007*) following the wave of democratic transitions in Europe, Latin America, and Asia, which Huntington (1991) terms the “third wave of democratization.” Following the collapse of the Soviet Union, scholars add others to this category (*Harasta, 2013*). This study uses the term following Converse and Kapstein’s definition because it is based on existing data sets and applies to more than 85 percent of the countries addressed in this paper.

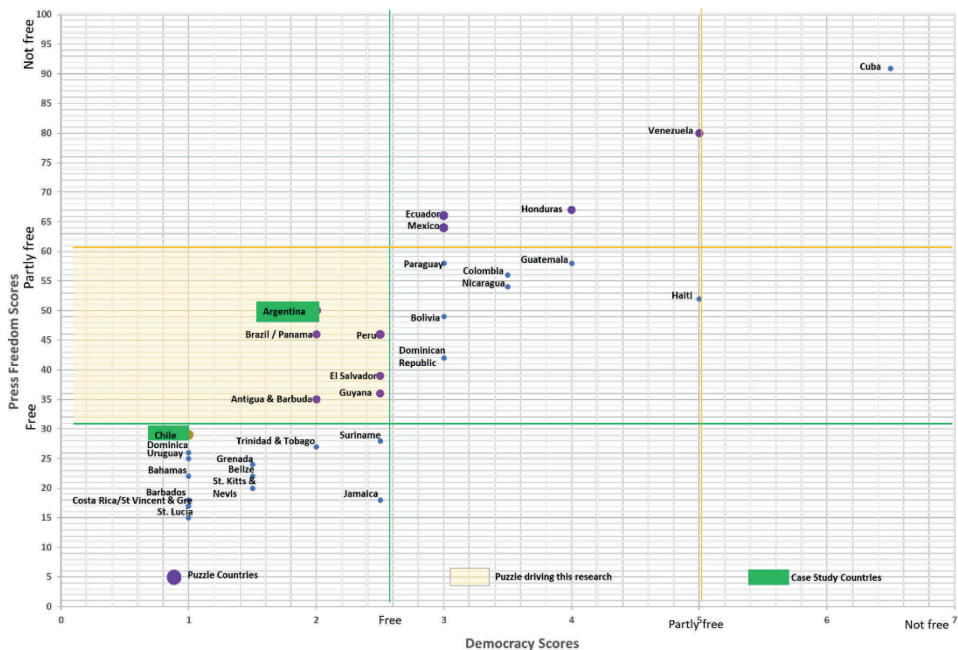
### 1.5 Case Studies from Latin America

Free democracies with partly free media can be found in various regions of the world, as shown in Figure 3. During the period studied, Latin America and the Caribbean had among the highest number of countries worldwide in that category with 27 percent. In addition, one-third of the region’s countries have those characteristics, all of them young democracies. The region also has a few young democracies that manage to perform significantly better than others regarding press freedom, enabling a case study comparison of “Free” democracies with significant differences in media freedom levels.

This research will examine how government instruments influence news media freedom in two of these young democracies: Argentina and Chile.

Beyond their geographic, historical, linguistic, and other similarities, both countries transitioned from military governments in the 1980s and began consolidating their democratic status in the following years. Each nation reached the “Free” democracy category, but their news media freedom levels diverged over the 2000–2015 period studied, with Argentina significantly underperforming in this area in comparison to Chile (Figure 4). Both nations also are among the countries with the highest levels of internet penetration in Latin America, as the digital transformation swept through the region affecting many aspects of society, including the media sector. The methodology chapter (Chapter 3) provides detailed information on the case study selection process.

Figure 4: Latin America and Caribbean Rankings - Democracy and Media Freedom Scores



Source: Own compilation based on data from the 2016 Freedom in the World and Freedom of the Press Reports (Freedom House)

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The results of this study, which is exploratory in nature, have limited applicability when assessing media environments in other countries. It primarily seeks to identify patterns that may deepen the field's understanding of how "Free" democracies can develop into countries with "Partly Free" media environments. The patterns identified in Argentina and Chile can be tested in other case studies in the future to determine whether patterns identified hold true in different settings, or if variations are found in other "Free" democracies with "Partly Free" media environments in other parts of the world.

### 1.6 Structure of the Book

Following this introductory chapter, Chapter 2 explores the literature related to policy instruments and their link to news media freedom. It identifies literature gaps and places the main scholarly contributions of this dissertation into the existing literature framework. Chapter 3 details the mixed (qualitative, quantitative, and legal) research approach this study uses. This entails a survey with target journalists, a review of the legal and regulatory framework, and in-depth interviews with experts. The chapter also describes the selection of the comparative case studies used throughout the research. The development and implementation of a digital news media freedom survey conducted in Argentina and Chile is the focus of Chapter 4. Based on the responses of target participants (journalists), it seeks to identify the key issues in each country regarding government instruments that affect media freedom.

Chapter 5 presents an overview and analysis of laws and regulations related to the media in Chile and Argentina. It connects to the previous chapter by examining whether the provisions found in the legal frameworks are consistent with the survey findings regarding their influence on press freedom. Chapter 6 builds on that by delving into the key issues identified in the survey via a review of documents, media articles, and in-depth interviews with subject-matter experts from various sectors of society, including journalists, media owners, academics, business executives, government officials, and representatives of nongovernmental organizations that monitor media freedom issues. The findings resulting from this study deepen the understanding of the main policy instruments used by governments to influence media freedom. Chapter 7 presents the theoretical implications of these findings for academic analysis and policymakers. Finally, Chapter 8 provides the conclusion and policy recommendations.





# **2 LITERATURE REVIEW AND THE RESEARCH CONTRIBUTION**

### 2.1 Introduction

Scholarly works have long studied how various forms of government curtail freedom of the press. There is strong consensus that authoritarian regimes interfere with news outlets, with extensive discussion around censorship and the suppression of press freedom as inherent components of such regimes (*Stier, 2015*). Conversely, abundant literature concludes that media with sufficient autonomy to inform the public and check government actions is essential for democracy (*Norris, 2000; Trappel & Nieminen, 2018*). On the other hand, significantly less attention has been dedicated to studying the attempts of democratic governments to influence media (*Kellam & Stein, 2016*).

This subject recently has attracted more interest as reports from watchdog organizations began showing declines in press freedom in democracies (*Freedom House, 2019; Reporters Without Borders, 2020*). This trend has raised questions about the puzzling scenario of democracies coexisting with restricted media freedom, which an emerging body of literature has begun to address (*Norris, 2017; Coppedge, 2017; Hanley & Vachudova, 2018*).

This chapter surveys how democratic governments may attempt to influence news media. It examines literature that provides insights into the relationship between democracies and press freedom, as well as policy instruments governments may employ in an attempt to curtail that freedom. In addition, it identifies gaps in the literature and describes this study's academic contribution. While current research has progressed in advancing the literature, there are still areas that need to be explored to gain greater

understanding of how democratic governments attempt to curtail news media freedom in the digital era.

### 2.2 The Relationship between Democracy and Media Freedom

In current literature on the relationship between news media and democracy, there is strong consensus that free media and independent journalism are vital to democratic governance (*Kneuer, 2016*). Media's functions include informing citizens and enabling them to form opinions, as well as providing a forum for public discussion. It also serves as a watchdog, scrutinizing the government and the political and economic elite. The link between a nation's independent press and its democratic system has long been established by scholars in this area of research (*Sen, 1999; Whitten-Woodring & Van Belle, 2017*), with some arguing that where the media is not free to contest ideas, democracy cannot exist (*Dahl, 1998*).

A new body of literature focuses on the increase in media freedom in young democracies, following their democratic transitions, as well as the resulting uptick in investigative journalism (*Waisbord, 2000; Pinto, 2009; Balán, 2011*). Scholars look at young democracies' transitions from autocracy as a process that ends state control over the media and reduces official government censorship and information control. In theory, these changes mean their populations will enjoy greater exposure to a broader variety of ideas via increased access to radio and TV channels (*Leslie, & Ogundimu, 2003*).

This optimism about increased media freedom is enhanced by the emergence of digital technology, which has profoundly changed how news

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media disseminates information and how citizens consume it. Zittrain and Palfrey (2008) note that scholars, early on, suggested the internet would be difficult to regulate and the state would not be able to control cyberspace. Others believed that the internet would provide a public space where individuals could access information in various ways, enabling them to freely share ideas with others and voice alternative perspectives, free from government control (*Rohlinger & Brown, 2009*). This stream of academic work expected digital media to enhance interaction among citizens, enable information to rapidly spread beyond the reach of the state, and play an instrumental role in democratic change (*Howard & Hussain, 2013; Breuer et al., 2015*).

However, a less optimistic view, that democracy alone would not guarantee a free press, began to emerge. Scholars who study media, especially in young, transitioning democracies across geographic regions, note several hurdles to achieving and maintaining a free media environment. These include obstacles such as limited ideological diversity, lack of media independence and, surprisingly, government harassment (*Hallin & Mancini, 2012; Voltmer, 2013; VonDoepp & Young, 2013*). In this same vein, others see high levels of media outlet dominance—and thus reduced plurality (*Guerrero & Marquez, 2014; Becerra & Mastrini, 2010; Sapiezynska & Lagos, 2016*)—as an opportunity for media houses to collude with governments (*Boas, 2012*).

Regional research across the globe sheds light on the reasons for declining media freedom in democracies. Examining 17 democratic and semi-democratic countries in Latin America, Kellam and Stein (2016) argue that

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gains in political openness do not always prevent governments from intimidating media outlets to silence their critics. They conclude that news media are vulnerable to outside pressures when they are ideologically critical of presidents with little political opposition. Their research also shows that many presidents, in countries with weak legislatures and judiciaries, seek to restrict press freedoms.

When comparing 16 countries in Central and Eastern Europe, Bairett (2016) observes press freedom erosion across the region. He argues that governments exert more control over news media outlets when the executive branch gains influence over legislative processes through increased party support. This, in turn, enables them to manipulate their countries' legal environments to exert political pressure on news outlets. Furthermore, in these environments, government officials, with hidden ownership stakes in media outlets, can more easily influence the dismissal of journalists critical of government policies.

VonDoepp & Young (2013) reviewed actions in 23 democracies and semi-democracies in Africa to determine when and why they interfered with independent media. They found that governments perceive "bad press" coverage to be a threat to their popular support, leading the two scholars to argue that attacks on press freedom increase when governments face threats to maintaining or consolidating their power. According to their research, increased media harassment specifically occurs when governments face major public protests, potential coup plots, or outbreaks of civil unrest, as well as when they are seeking to amend constitutions to expand their mandates.

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Relative to the digital revolution's influence on media freedom, various scholars caution against the exuberant optimism that prevailed from the 1990s until the early 2010s. Initial bodies of work on this subject center on the ability of autocratic regimes to use digital technologies to neutralize dissenting viewpoints (*Etling et al., 2009; Morozov, 2012; Hellmeier, 2016*) and censor online content (*Greitens, 2013*). But recent literature points to new digital tools posing threats to press freedom in democracies, including disinformation, hate speech and content regulation websites. (*Miller & Vaccari, 2020; Haggard & You, 2015*).

### 2.3 Instruments Democratic Governments Use to Influence News Media

Over time, governments have employed a wide variety of instruments to curtail news media freedom, such as censorship, imprisonment, and government-orchestrated assassinations to punish dissenting journalists (*Simon, 2006*). Even today, according to Reporters Without Borders (2020), reporters in many countries “are subjected to arbitrary arrest, the threat of imprisonment, persecution, illegal home searches and confiscation and destruction of journalistic material.” It further explains that such authoritarian regimes aim to “maintain an almost complete monopoly of news and information and use every means possible to obstruct independent media.” In the digital space, Keremoğlu & Weidmann (2020) observe that most autocratic governments control the flow of information by interfering with digital technologies, such as restricting access to them and controlling what information is communicated. Morozov (2012) and King, Pan, and Roberts (2013) warn that autocratic governments can employ digital

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instruments such as cyberattacks, mobile tracking, human censors, and facial recognition to better suppress critics, some of which has already come to pass.

We know less about how democratic governments constrain media freedom. In democracies, it is difficult to apply methods of direct control such as physical persecution, assault, or politically motivated imprisonment. Instead, restraints on press freedom in democracies are less visible, more subtle, and imposed in incremental steps, which often makes the restraints difficult to detect (*Bermeo, 2016*). This survey of the literature identifies four recurrent types of instruments used in democracies to reduce press freedom: laws and regulations, discriminatory use of state advertising funds, political control of public-service media, and harassment of journalists.

### 2.3.1 Laws and Regulations

Employing legal and regulatory instruments against news media has historically resulted in unwarranted lawsuits brought against independent media across the globe. Balán (2011) shows that politicians use legal avenues to criminally prosecute journalists, especially those who report on corruption and political scandals. This is possible, in part, due to antiquated laws that make it a crime to defame, insult, slander or libel someone, but do not include modern media protections. Many governments take advantage of these types of laws—often put into place by previous authoritarian governments—to open politically motivated legal cases against dissenting voices in the press (*Boas, 2012; Hughes & Lawson, 2005*). Even years after democratic transitions, evidence shows that young democratic governments,



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on the left and right of the political spectrum, find these laws useful to facilitate their efforts to pressure reporters (*Haggard & You, 2015*).

Some governments also enact regulations to gain control over licensing or setting operational rules and guidelines for media, which authorities implement either directly or via a state entity (e.g., a broadcast council with media oversight authority), that is not independent of government control (*Becerra & Wagner, 2018*). This type of instrument often enables governments to refuse to renew licenses of critical media or place limits on their airtime or broadcast frequency (*Bajomi-Lázár, 2013*). Revoking licenses and imposing onerous regulatory oversight not only limits government-critical content but also places financial pressure on media outlets and enables damaging attacks on the press (*Freedom House, 2017*).

### 2.3.2 Discriminatory Use of State Advertising

Media researchers have traditionally paid little attention to government use of “advertising” funds to influence the media market (*Di Tella & Franceschelli, 2011; Gehlbach & Sonin, 2014*). That has been changing in recent years, and there is now a growing body of work addressing the relationship between government advertising and media freedom (*Bátorfy, 2015; Kowalski, 2019*) due to its increasing use around the globe. An Open Society Foundations report in 2014 found that governments used state funds to manipulate media in about 56 percent of the countries included in their study (*Dragomir & Thompson, 2014*).

Use of such funds to influence media often compromises media freedom. Reports from around the world indicate that news outlets short on funding

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will compromise their editorial integrity to obtain state funds (Hagan, Matejevic, Spassov & Stevancevic, K., 2016). They avoid topics that have negative connotations for authorities, at times even becoming overt government supporters (*Lansner, 2013*). In some circumstances, the beneficiaries are not only existing news outlets, but also new media groups created and supported largely by “enormous (state) budget allocations” to promote government positions (*Inter-American Commission on Human Rights [IACHR], 2017*). Observing this practice in various countries, the IACHR Special Rapporteur for Freedom of Expression has consistently denounced the dangers posed by this mechanism to indirectly censor independent journalism (*IACHR, 2017*).

Where governments use state funds to influence editorial content, news outlets that support governments are often rewarded with state advertising contracts without transparent government guidelines for decision-making about the allocation of those funds. Discriminatory use of state advertising funds in media continues to be a mode of indirect censorship, as the government uses its financial muscle to prevent the publication of certain content (*Becerra and Mastrini, 2015; Crettaz, 2019*).

Bátorfy & Urbán (2020), in analyzing the arbitrary use of state advertising funds in Hungary, emphasized the importance of following the money to understand the erosion of press freedom, as state funds were used to build an uncritical, government-aligned media empire. This is also a key focus in other studies on Central and Eastern European media sectors (*Dobek-Ostrowska, 2015; Dragomir, 2018; Schiffrin, 2017*), which point out that

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many news outlets in those regions remain economically dependent on the state, which negatively affects their editorial independence.

Even in countries where the law prohibits state advertising from financing media, loopholes exist for public funds to be used to co-finance projects that benefit media outlets friendly to government policies (*Kmezić, 2018*). This lack of transparency in media funding is denounced by international bodies (*European Commission, 2018*) as it continues to be a tool to reward pro-government media and penalize critical outlets (*Tadić & Sajkai, 2016; Barlovac, 2015*). When considering the media industry's current financial struggles to adapt to the digital transformation, tools that apply economic pressure are now a key instrument in the arsenals of young democracies (*Czaky, 2019*).

### 2.3.3 Political Control of Public-Service Media

According to UNESCO, public-service media can serve “as a cornerstone of democracy,”<sup>3</sup> but only when it guarantees “pluralism, programming diversity, editorial independence, appropriate funding, accountability and transparency.” Dragoni (2018) notes that, given the public media's designated role of providing social and cultural benefits to society, some levels of public funding are justified. However, he also notes that outside a few successful cases in Western Europe, public-service news outlets are

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3. Public-Service Broadcasting (PSB) is made, financed, and controlled by the public and for the public. It is neither commercial nor state-owned and is free from political interference and pressure from commercial forces. Through PSB, citizens are informed, educated, and entertained. When guaranteed with pluralism, programming diversity, editorial independence, appropriate funding, accountability and transparency, public-service broadcasting can serve as a cornerstone of democracy. <http://www.unesco.org/new/en/communication-and-information/media-development/public-service-broadcasting/>

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often considered to be state-controlled media that disseminate government messages.

In Central and Eastern Europe, public-service media has come under increasingly tight government control (*Polyak, 2019; Bustikova & Guasti, 2017*). This generally has come about through amended media laws that enable government takeover of public broadcasting stations or the imposition of constraints on independent broadcasting councils (*Brusis, 2018*). In addition, the replacement of editorial staff with journalists loyal to the government has been a widespread practice, resulting in politically biased news content (*Milosavljević & Poler, 2018*). In Latin America, state media has been under siege by left-wing leaders who use it to disseminate political messages, and right-wing politicians seeking to defund it and deplete its operational resources (*Becerra, 2019*).

These actions raise issues of governance, specifically regarding the politicization of editorial staff, the degree to which public news outlets are becoming government mouthpieces, and the reduction of critical voices (*Haggard & You, 2015; Przybylski, 2018*). International organizations also condemn these systematic government actions as efforts to stifle independent journalism (*Inter American Press Association, 2015; Reporters Without Borders, 2020*). Overall, scholarly discussion considers the use of these mechanisms against public-service media to be an assault on news media freedom itself (*Holtz-Bacha, 2021*).

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### 2.3.4 Harassment of Journalists

Overt harassment of journalists, including violent acts, is tracked and documented by various international organizations monitoring press freedom (*Freedom House, 2020; Committee to Protect Journalists, 2020; Reporters Without Borders, 2020*). These groups had traditionally focused on measures against news media in authoritarian or partly free societies, given the greater personal safety risks facing journalists. That has changed as their annual assessments now regularly address online and off-line verbal harassment of journalists in democratic societies as they view it as an attack on press freedom.

Examples from around the world abound. In Central and Eastern Europe, the current and former prime ministers of Hungary and Poland have regularly insulted media outlets and individual journalists, labeling them traitors and enemies of the nation (*Bustikova & Guasti, 2017*). In Serbia, the leader of the ruling party went so far as to organize an art exhibition that labeled critical media as liars (*Pantovic & Tomovic, 2016*). In Argentina, three consecutive administrations, from 2003 to 2015, engaged in highly publicized verbal battles with major news outlets, lashing out during large rallies and via state outlets (*Macrory, 2013*). Meanwhile, South Korean National Intelligence Service employees reportedly launched smear efforts against government-critical voices during a presidential election campaign (*Freedom House, 2014*).

Even more-established Western democracies are seeing attacks on journalists designed to discredit them. (*Reporters Without Borders, 2020*).

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The last president of the United States labeled critical journalists “among the most dishonest human beings on earth” (*Grynbaum, 2017*) and denounced the press as “the enemy of the people” (*Remnick, 2018*). In Western Europe, a former deputy prime minister of Italy consistently demonized journalists critical of his immigration policies, going as far as threatening repercussions and legal charges (*Committee to Protect Journalists, 2019*).

Press freedom watchdogs label these and similar actions as attempts to squash opposing voices (*Committee to Protect Journalists, 2019; Freedom House, 2019*). They also note that the actions are a systematic approach by politicians to discredit not just select journalists but news media overall (*Freedom House, 2017*). Furthermore, scholars studying this form of harassment note that verbal attacks against news outlets provide politicians with a low cost, easy-to-execute tool to delegitimize critical media even in democracies, resulting in declines in media freedom (*Solis & Sagarzazu, 2020*).

Increased digitalization provides democratic governments with an additional communications channel they can use to attack critical news media (*Czaky, 2019*). While autocracies have been shown to hack accounts and to finance online trolls (*Tufekci, 2014*), leaders in democracies instead use government-owned digital platforms to harass critical journalists or spread false claims (*Nyst & Monaco, 2018*). As these digital platforms can amplify messages and reach supporters without being filtered by media, they serve as a megaphone for politically motivated attacks against the press in

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democratic societies—now one of the principal issues of discussion in relation to press freedom (*Waisbord & Amado, 2017*).

The digital era also gives readers direct access to newsrooms, which was originally expected to generate better communications and greater understanding of topics that were relevant to the audiences of media outlets (*Nelson, 2018*). However, these technological advances also expose journalists to readers and trolls (*Waisbord, 2020*), who then import to the internet the off-line criticism from the leaders they support (Ataman & Çoban, 2019). These individuals use the comments section of articles to insult and harass reporters, and spread misinformation about their journalistic work and even about their personal affairs (*Reporters Without Borders, 2018*).

### 2.4 Research Gap and Academic Contribution

As noted earlier in this chapter, numerous reports point to increasingly reduced levels of press freedom in democracies. A growing body of literature also explores how this unexpected scenario unfolded over a period of years, as well as causes of it. While current literature advances understanding about when and why democratic administrations decide to pursue an approach that takes punitive actions against government-critical media, it leaves gaps open for further academic research to understand exactly how democratic governments limit news media freedom, to what extent they are employing pressure instruments against news media, and how they are using these mechanisms toward achieving this goal.

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Existing scholarship provides considerable understanding of the tools used in autocracies and partly free societies to restrict press freedom. Less is known about the use of pressure tactics in democracies. This is partly because the erosion of freedoms in democracies, including press freedoms, tends to occur gradually over time and is less visible than in more restrictive societies (*Bermeo, 2016*). This further heightens the need to understand what characterizes the methods governments use to pressure independent journalists.

This study aims to help fill that void, especially in relation to countries deemed “free democracies” with declining levels of press freedom. It does so through case studies of two countries in Latin America. Findings from the research will complement current literature thereby contributing to scholarly discussion on this topic. Policy recommendations, found in Chapter 8, will complement academic research findings as well.





# **3** **METHODOLOGY AND CASE STUDY SELECTION**

### 3.1 Introduction

To gain a more in-depth understanding of how governments use pressure instruments to influence news media freedom in some democracies, this study employs a multilayered research approach. As stated in Chapter 1, the research was triggered by an interest in exploring how democratic governments coexist with limited media freedom, as described by Freedom House. This research compares two countries whose primary difference is their degree of media freedom. Comparing a country with limited media freedom with one with freer media facilitates the identification of key instruments used to curb media freedom, as the use of such instruments must be substantially and visibly more prevalent in the less-free case. It seeks to understand how policy instruments have been used to create a partly free media environment in a free democracy, by using a rigorous case study selection process (see Section 3.2) that identifies two young democracies in Latin America (Argentina and Chile) as the two best subjects. Both countries, which transitioned from autocratic regimes to democracies at roughly the same time, share historical, geographic, and economic characteristics, but show widely divergent data in the area of news media freedom for the period (2000–2015) studied.

Stafford (2013) maintains that comparative analysis is useful in political science, because it is grounded in empirical evidence gathered by observing, recording, and classifying political phenomena in real-life contexts. It also enables scholars to analyze connections between various political concerns, such as news media freedom and the exercise of democracy. Further, using

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two or more case studies provides an opportunity to assess patterns, as well as the similarities and differences between them.

Since the conclusion from the literature review is that democratic governments attempting to curb press freedoms use subtle instruments, the best way to identify and understand such instruments and their application is to ask journalists about them, because they experience that subtle pressure firsthand. To achieve this, a survey was conducted in the two case study countries to identify the main policy tools. Survey participants, who work for national media houses and regional outlets, represent a wide range of perspectives along their countries' political spectrums. Study subjects included journalists from a mix of traditional media with online platforms, and fully digital news publications that only exist online. The survey is designed to help identify the range and main categories of instruments that young democratic governments use to influence news media freedom. Responses provided information on important subjects that fed into development of research instruments for interviews with subject-matter experts.

In parallel, the study assumes that the instruments governments use are not predominantly of a legal nature since that would not be very subtle. This assumption is confirmed in a thorough review of the media-related legal and regulatory environments in both case study countries. The assessment of laws includes an examination of the roles played by international instruments and the importance of international human rights treaties with domestic legal status in both countries, as well as the principal legal rulings focused on press freedom issues. The findings are consistent with journalist

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survey responses about the levels of influence legal frameworks have on press freedom in their respective countries.

The study then proceeds to validate the main policy instruments identified in the journalist survey by conducting in-depth expert interviews among main stakeholders, which reveal the main categories of instruments used to curb media freedom. The subject-matter experts come from various societal sectors: Journalists, media owners, academics, civil society organizations, government officials, and business executives. Representatives of international watchdog organizations that monitor media freedom also participate in the interview process. The questionnaire is shaped by the legal and regulatory research and journalist survey results. The diversity of the experts group provides various perspectives on the topics discussed, giving rise to areas where interviewees express both consensus and disagreement. This research uses the interview findings to develop a theory on the main instruments used to curtail news media freedom in the two subject countries, which may also apply to other countries.

### 3.2 Case Study Selection

This study references Freedom House data sets to describe the puzzle of democratic governments coexisting with limited media freedom, which is what triggered this research. Initially, democracy and media freedom scores were mapped for all countries assessed in Freedom House's *2016 Freedom in the World* report and *2016 Freedom of the Press* report. As described in Section 3.1., these global data sets rate democracy and media freedom levels, giving each country a numerical score and using it to categorize it as

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“Free,” “Partly Free” or “Not Free.” The two reports yield the expected results—similar rankings in democracy and news media freedom—for about three-quarters of the world’s nations. However, there is a group of countries where a more complex relationship between democracy and media freedom yields different classifications (see Chapter 1, Figure 1). The mapping identified a subset of 26 countries classified as “Free” democracies that underperformed on media freedom, yielding an unexpected scenario: “Free” democracies with “Partly Free” media environments.

As described in Section 1.2, Freedom House calculates its scores based on three categories: legal, political, and economic environments.<sup>4</sup> Since it is beyond the scope of this study to analyze individual pressure instruments relating to all categories for each of the 26 puzzle countries, this research opts for a comparative analysis of two countries within this group that share various contextual characteristics (see Section 3.1) but diverge in their levels of news media freedom.

As noted earlier, the Latin America and Caribbean region is the focus of this research, in part because it accounts for more than a quarter (27 percent) of the countries in the puzzle category (see Section 1.5), sharing first place

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4. Freedom House’s media freedom rankings analyze three subcategories: (1) Political environment—the extent of political interference, via, for example, intimidation, censorship, or coercive means; (2) Legal environment—constitutional and regulatory means; and (3) Economic environment—independence of editorial decisions from economic interests (Freedom of the Press Research Methodology – Freedom House). Its democracy index measures political rights and civil liberties. The political rights questions are grouped into three subcategories: (1) Electoral Process; (2) Political Pluralism and Participation; and (3) Functioning of Government. The civil liberties questions are grouped into four subcategories: (1) Freedom of Expression and Belief; (2) Associational and Organizational Rights; (3) Rule of Law and (4) Personal Autonomy and Individual Rights. Freedom House’s “Freedom of the Press” rankings range from 0 (best) to 100 (worst) based on 23 questions divided into the three main subcategories, with country media environments ranked as follows: “Free” (0–30), “Partly Free” (30–60), or “Not Free” (61–100). <https://freedomhouse.org/freedom-press-research-methodology>.

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for regions with the highest number of these countries. In addition, the author of this study has in-depth knowledge of the region's economic and political context and extensive prior news media work in the region, which enables him to target 94 journalists, with widely differing backgrounds and experiences, for the survey, as well as personally conduct all 70 in-depth interviews with subject-matter experts.

### 3.2.1 Selection Criteria

The two case study countries were selected from the larger group of countries based on their dissimilarity in the dependent variable—news media freedom levels—and similar contextual elements: geographical proximity, language, history, levels of gross domestic product (GDP) per capita, internet penetration rates, and similarly timed transitions from military dictatorships to democracy. The following criteria were applied rigorously during the selection process.

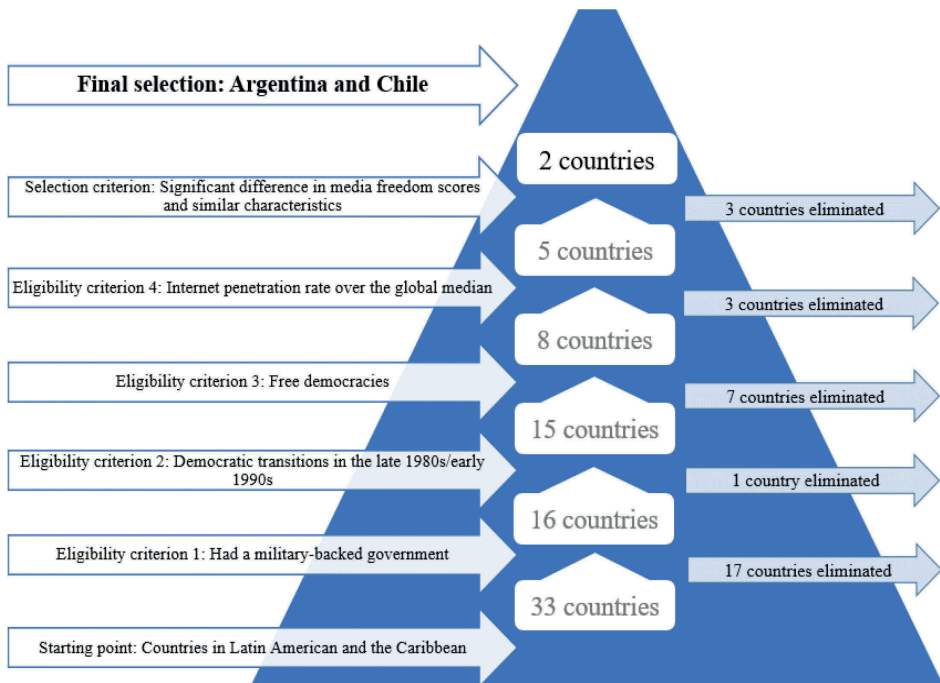
The first selection criterion is that countries must have endured military-backed governments that systematically suppressed media freedom in the 1970s and 1980s. Of the 33 countries in the Latin America and Caribbean region, 16 meet this criterion (see Figure 5). The second criterion is that the countries must have experienced democratic transitions, including elections, establishing a multiparty system, and increased freedom for news media outlets. Having countries with military dictatorships that transitioned to democracies in the same decade provides a solid comparative starting point. In the 1980s and early 1990s, Latin America underwent a political transformation, with many countries experiencing transitions from military governments to civilian rule as part of

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a global turn of events called the “third wave” of democratization (*Huntington, 1991*). These criteria bring the number of countries eligible for this study to 15 (see Figure 5).

The third criterion is that countries must be considered “Free” democracies, based on the parameters used by Freedom House (see Chapter 1). Only 8 of the remaining 15 countries fulfill this eligibility test. As the focus of this research is on news media freedom during the digital era, the fourth criterion requires countries to exceed the global median internet penetration rate of 67 percent (*Poushter, 2016*). After considering this criterion, the number of eligible countries falls to 5 (see Figure 5).

Figure 5: Case Selection Criteria



Source: Own analysis based on data from Freedom House, Pew Research Center, and *Journal of Democracy*.



## Chapter 3 | Methodology and Case Study Selection

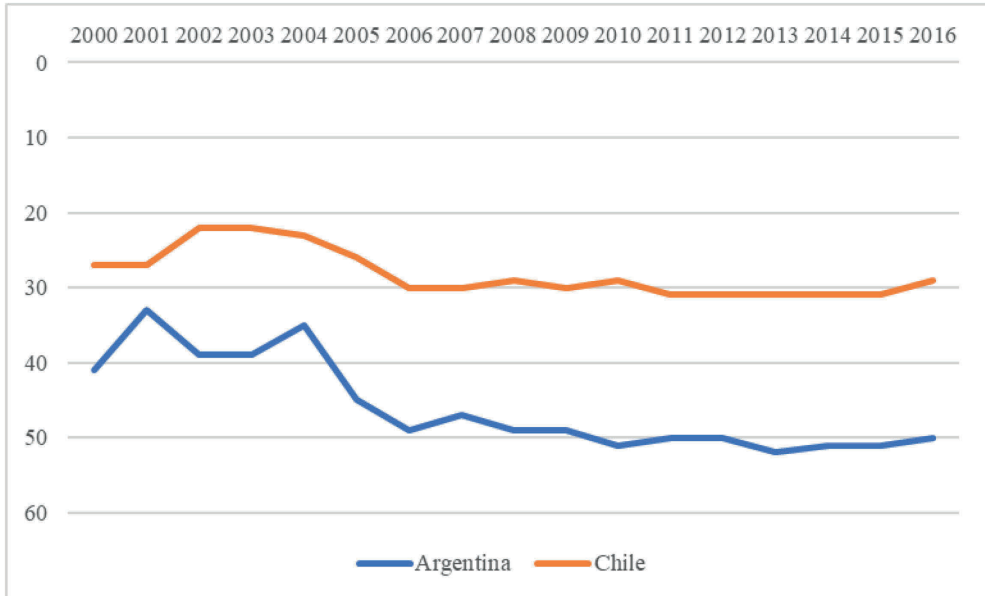
The final and determining criterion is having a significant difference in levels of news media freedom between the two countries. When assessing the different degrees of press freedom, the research uses the Freedom House scores only as an initial indicator to help influence the selection. In the end, Argentina and Chile were chosen because they share several contextual characteristics, and their press freedom scores significantly diverge during the period studied.

By 2015, when the analysis was conducted, both countries were considered “Free” democracies, but showed a significant 21-point difference in their media freedom scores (see Figure 6) (*Freedom House, 2016*).<sup>5</sup> The index is constructed in such a way that higher scores signify lower levels of press freedom. Furthermore, Argentina had the worst press freedom score of any “Free” democracy in Latin America (see Chapter 1, Figure 4). It also was next-to-last in this category globally—only a point behind Tunisia, which had just started its democratic transition (see Chapter 1, Figure 3).

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5. Freedom House reports reflect an assessment from the previous year. Thus, the 2016 Freedom of the Press reflects the countries’ scores from 2015.

Figure 6: News Media Freedom Levels (Argentina and Chile: 2000–2015)



Source: Freedom House. In Freedom House rankings, a lower number reflects a better score.

### 3.2.2 Confirmation of Case Study Selection

Data from other credible sources were also considered when selecting the case studies. For example, the Organization for American States Special Rapporteur on Freedom of Expression *Annual Report 2015* is highly critical of the deterioration of media freedom in Argentina. It includes an extensive section (30 pages) on government actions that severely infringe freedom of expression. In contrast, the report’s analysis of Chile is only 6 pages and is much less critical. The Inter American Press Association (2015), on its website, also condemns the government of Argentina for curtailing press freedom. It describes government measures against dissenting journalists as “discriminatory and restrictive of their freedom of expression.” It also says that these actions were part of a systematic approach, citing various

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examples. In contrast, the first line in the Chile report from the same year refers to the country's media as "having freedom of expression." While it highlights a few issues to consider, the overall assessment is much less critical than that of Argentina.

Freedom House has considerable global credibility among scholars, given its long history of reporting quantitative data related to democracy and press freedom in a large set of countries (*Karlekar & Becker, 2014*). The organization's indexes have their critics, just like many other subjective rankings do. Some conceptualize media freedom and democracy differently (*Holtz-Bacha, 2004*), while others question whether the index fully accounts for all issues related to press freedom in democracies (*Sapiezynska & Lagos, 2016*).

This research considers Freedom House data helpful for establishing an initial indicator and describing the puzzling coexistence of democratic governments with lower levels of press freedom. The field research, however, is guided by the findings that emerged from the various methods employed in this study—the survey of journalists, legal and regulatory framework analysis, and expert interviews.

### 3.3 Data Collection and Analysis

This section describes data collection and analysis forms used in this research.

#### 3.3.1 Digital News Media Freedom Survey

A survey was conducted of 94 journalists (47 each from Argentina and Chile) who worked for mixed traditional (print, broadcast and radio)/digital news outlets, or stand-alone digital news providers, in one or both case study countries, during the 2000–2015 period studied. The tool was exploratory, used to gather insights on an understudied area rather than collect large amounts of statistical data. The survey's principal goals were: 1) identify the main categories of government pressure instruments, and 2) develop a questionnaire for the semi-structured interviews to deepen understanding of individual measures that curb news media freedom in young democracies. Journalist selection criteria and survey design are discussed in Chapter 4, Section 4.2. Survey data and results are found in Sections 4.3, 4.4, and 4.5.

#### 3.3.2 Review of the Legal and Regulatory Framework

The review of legal and regulatory frameworks maps media-related laws in both case study countries. The objective is to focus on laws relevant to this research and examine how they may directly or indirectly influence news media freedom. This review also examines international legal instruments related to media freedom that have been ratified by Argentina or Chile or both. This element is vital, as many such instruments enjoy domestic legal status in both countries' legal systems. Legal case rulings focused on news media freedom are also included in this review. The research also analyzes

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published reports from nongovernment organizations, policy documents, and news articles related to news media freedom. The analysis in Chapter 5 also includes information from civil society entities about the implementation of media-related laws.

Legal review data provide valuable information to combine with the result of the digital news media freedom survey outlined in Chapter 4, as it helps establish whether the provisions of the legal frameworks are, in fact, consistent with survey findings. The findings in Chapter 5 set the legal groundwork and framework for later chapters, focusing on the tools and mechanisms employed by each government in their media interactions.

### 3.3.3 Semi-structured Interviews with Subject-Matter Experts

Semi-structured qualitative interviews with subject-matter experts provide in-depth data on the issues studied, as this method encourages dialogue that leads to exhaustive findings through informal discussions with participants (*Collis & Hussey, 2003*). Knowledgeable informants for this research include journalists, media owners, government officials, business executives, academics, and nongovernmental organizations representatives that monitor media freedom topics. These individuals were purposefully selected for their in-depth knowledge of the issues. Their wide range of perspectives enable the research to compare different experts' responses to the same questions, which helps identify points of consensus or contention about implementation of specific policy instruments designed to limit press freedom.

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A pilot phase tested the interview questions with knowledgeable informants to obtain feedback, enabling adjustment of the questionnaire before beginning the interviews. A total of 70 interviews were conducted with subject-matter experts: 36 in Argentina, 30 in Chile, and four with international nongovernmental organizations that monitor media freedom issues. Sixty-two of the interviews took place face-to-face and eight via video call. All interviews were recorded and transcribed. Respondents were guaranteed anonymity, which helped secure the interviews and obtain detailed information.

This study uses an inductive research approach to code the interviews, beginning with specific observations, then identifying themes based on experts' responses. Codes developed and organized in relation to the main issues identified in the survey proved vital to analyzing interview data. An actor-based analysis helped to identify similar patterns and information garnered from respondents regarding the core issues. The interview data analysis is then linked again to survey results to determine the main instruments and tools used by democratic governments to hinder news media freedom. Interview transcripts, totaling 857 single-spaced pages, were analyzed with Atlas.ti, a computer program used primarily for the qualitative analysis of large bodies of text data.

### 3.4 Conclusion

This research employs a comparative case study approach, made up of two case studies with similar historical contexts but widely divergent levels of media freedom, despite their shared democratic-governance status. It also

### Chapter 3 | Methodology and Case Study Selection

looks at other relevant criteria to ensure the two case studies are as similar as possible, including language, GDP per capita, internet penetration, and the period during which they transitioned to democracies. This results in the selection of Argentina and Chile, two countries with many historical and contemporary similarities that show strongly diverging levels of news media freedom during the period studied.

This study examines these two cases using a mixed-method—qualitative, quantitative, and legal—research methodology, employing: 1) A survey with journalists who cover government and policy issues in digital news media, whether stand-alone or part of an existing off-line news outlet; 2) A thorough review of the media-related legal and regulatory framework; and 3) In-depth interviews with a wide variety of subject-matter experts in both countries. The overall aim of this approach is to use comparative information gathered to identify main pressure policy instruments young democratic governments use to limit news media freedom.

# **4 DIGITAL NEWS MEDIA FREEDOM SURVEY**



## Chapter 4 | Digital News Media Freedom Survey

### 4.1 Introduction

This chapter presents findings from a survey of journalists in Argentina and Chile. It identifies control instruments governments employ in young democracies, which journalists perceive to influence news media freedom in the digital era. It includes views of journalists from print, broadcast, and radio news outlets with online platforms, as well as those from digital-only news providers. The chapter first describes the survey methodology, then presents the results and, on that basis, identifies the main government pressure instruments used against news media.

### 4.2 Survey Methodology

#### 4.2.1 Population

The target population for the survey consists of journalists from Argentina and Chile who were chosen because, among all potentially knowledgeable informants, they were the principal group that directly experienced the impact of government methods and tools influencing news media freedom and editorial coverage. This provided them with a unique vantage point from which to respond to survey questions.

The main criteria for journalists to be eligible for inclusion in the study were: (1) Respondents practiced journalism in their respective countries between 2000 and 2015, the period examined in this study; (2) Respondents' news stories were published online, either in digital-only news outlets or digital

## Chapter 4 | Digital News Media Freedom Survey

versions of print, radio, or TV news outlets; and (3) Respondents contributed to Tier 1 or Tier 2 digital news outlets.<sup>6</sup>

### 4.2.2 Sampling and Survey Process

The first step in the sampling process was to select leading news outlets with diverse political leanings, covering a middle range of the political spectrum.<sup>7</sup> An initial group of 30 journalists from those vehicles, whose work was familiar to the author, was purposefully sampled and contacted directly. The second step used a referral approach. Journalists identified in the first step introduced or recommended other journalists to participate in the research. With multiple sources to start the referral process (the initial 30 journalists came from 27 media outlets), an effort was made to ensure that the field of coverage had balanced ideological representation and selection bias would be minimalized. A screening of referrals ensured that participants met selection criteria for inclusion in the study as described in Section 4.2. In addition, publications were reviewed to ensure those journalists worked for credible news media outlets in the respective countries and reflected opinions within the mainstream political debate. The researcher then contacted the selected journalists, informed them of the

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6. “Tier 1” news media includes top national, mainstream media outlets, with high circulation and large audiences, that have significant impact on public opinion. “Tier 2” news media consists of media outlets with specific topic or regional coverage, but with a wide reach among a niche audience.

7. The names of the news outlets are not disclosed because it might lead to the identification of journalists, which would violate our confidentiality agreement. However, the study did include journalists from most of the main media in each country, including the top seven news outlets, as well as journalists from smaller news outlets.

## Chapter 4 | Digital News Media Freedom Survey

study's purpose and included them in the sample. The total number of journalists identified as eligible, from 80 media outlets, was 107.<sup>8</sup>

In step three, the request to participate, considerable effort was invested in contacting participants and obtaining their responses. When trying to enlist a journalist's participation in the study, a recommendation from someone known to the researcher, or from journalists' peers in mass media, was critical to securing their voluntary participation. Journalists have little free time as they routinely face tight deadlines, making it difficult for them to dedicate time to a survey. They also may be subject to political and economic restraints, so they are not always forthcoming with individuals unfamiliar to them when commenting on sensitive topics like news media freedom. In short, journalists in Latin America are more likely to respond truthfully to a survey from someone they know, or someone who has been referred by a trusted source.

The request to participate in the survey was conveyed by a Letter of Information that included a summary of the PhD research study and explanation of the survey's purpose. After obtaining each respondent's consent to participate, journalists were sent the survey through the SurveyMonkey platform. Of the 107 journalists contacted, 36 percent answered after the initial contact; 39 percent responded after one follow-up; and 13 percent responded after a second follow-up, a response rate of 88 percent. No respondent was contacted more than three times. Twelve

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8. Please refer to Tables 4.2 and 4.3 which describe the type of news outlet and their population reach.

percent of contacted journalists did not respond. No incentives were offered for participation.

Participants were informed that all information would be used strictly for academic research, and that the survey would focus on opinions of individual journalists, not the organizations they worked for during the period studied. All collected data were treated anonymously and confidentially. This work complied with Maastricht University’s ethical approval requirements guidelines (see Annex A).<sup>9</sup> The survey questionnaire (see Annex B) was sent after obtaining respondent permission to participate in the study.

Figure 7: Sampling and Survey Process

Step 1	Number of journalists added through mapping of media outlets and purposefully sampling	<b>30</b>
Step 2	Number of journalists added through referral process	<b>81</b>
Step 3	Number of journalists excluded through screening	<b>4</b>
TOTAL POTENTIAL SURVEY SUBJECTS		<b>107</b>
Step 4	Respondents after initial outreach	<b>38 (36%)</b>
	Respondents after follow up 1	<b>42 (39%)</b>
	Respondents after follow up 2	<b>14 (13%)</b>
	Non-respondents (no response or chose not to participate)	<b>13 (12%)</b>
Total number of participating journalists		<b>94</b>

#### 4.2.3 Questionnaire

The survey questionnaire was drafted based on literature reviewed and survey questions from press freedom watchdog organizations, Freedom

9. The Ethical Approval Reference Number is ERCIC\_060\_08\_01\_2018.

## Chapter 4 | Digital News Media Freedom Survey

House and Reporters Without Borders. It was pretested with five journalists who lived in Latin American countries other than Argentina and Chile and were chosen for their knowledge of the region. Had the survey been conducted in their countries, they would have been targeted reporters. Journalists from Argentina and Chile were not included in the testing phase to ensure that they only participated in the actual survey.

The pretesting sought to obtain feedback on question clarity and survey length. This resulted in some adjustments and helped confirm that the average time to take the survey was between seven and eight minutes, which was deemed appropriate. The survey was then shared with Dr. Jose Miguel Cruz, director of Research at the Kimberly Green Latin American and Caribbean Center of Florida International University, whose input helped to shape the final survey questionnaire. He is an expert in public opinion polling and democratization in Latin America who has done extensive work for the Latin American Public Opinion Project.

Survey questions were organized into four subject areas, preceded by introductory questions confirming that participants had received, read, and understood the Letter of Information explaining the study's purpose, and guaranteeing the confidential and anonymous treatment of their responses. All journalists confirmed their willingness to participate in the survey voluntarily and gave consent for the study to use their data, including their age and gender.

The questionnaire's four subject areas were: Regulatory Framework, Threats and Harassment, Economic Factors, and Editorial Content. Each is

briefly described in Section 4.2.4. Journalists were asked to answer 20 questions with the help of Likert scales.

### 4.2.4 Survey Subject Areas

#### **Legal and Regulatory Framework**

This category explored journalists' perceptions of how the legal and regulatory framework in their country affects the ability of media to operate. Questions explored how laws and regulations protect news media freedom, as well as the assortment of restrictions on digital news media when reporting news or posting material online. It also touched on how journalists and news media are penalized for the content they publish, the laws or regulations in place and the most common type(s) of penalties imposed.

#### **Threats and Harassment**

This category addressed the level of possible intimidation and harassment, if any, journalists might experience when reporting the news. It also asked whether they or the news outlets for which they work or previously worked have experienced government-driven hacking or technical difficulties due to their content. This section of the survey also covered the possibility of losing a job based on the political tone of their reporting and difficulties obtaining employment afterward.

#### **Economic Factors**

This category examined the impact of the economic environment on media. This encompassed media ownership structures, including state-owned news

## Chapter 4 | Digital News Media Freedom Survey

media outlets and private pro-government ownership. It also examined the use of state advertising or subsidies. Questions also explored potential government pressure on internet services providers (ISPs) and mobile operators who distribute news, as well as private companies that advertise in news outlets critical of the government.

### **Editorial Content**

This is the only category not meant to identify instruments that governments use against media. It is nonetheless important because its findings reflect the level of influence government instruments have on editorial independence, and thus on news media freedom. The questions addressed how often news outlets change their editorial content due to government pressure, whether individuals or media houses are held responsible for reader comments on their articles, and the frequency with which digital news publications remove online content after publication due to pressure from authorities. It also sought to identify self-censorship, addressing whether media outlets ever ceased pursuing or publishing specific news stories for fear of reprisal. Finally, it asked whether news outlets change their editorial line after the state or private pro-government groups acquire majority ownership of the outlet.

#### 4.2.5 Composition and Characteristics of Respondents

Ninety-four journalists completed the survey, 47 each from Argentina and Chile. The comparative demographic structure of survey participants differed in various aspects (see Table 1). A larger share of respondents in Chile were female (68 percent) than in Argentina (43 percent) and average

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three years younger than those in Argentina. The participation of journalists in the 25–40 age group was the primary driver in this difference.

There was not much difference between survey participants working for mixed digital/traditional news media and digital-only news outlets, or between those working for Tier 1 or Tier 2 media. In both countries, the majority of journalists worked for mixed digital/traditional news media. This reflects the media landscape in both countries, where most of the leading digital news platforms are part of traditional media groups.

Table 1: Composition of Respondents in Chile and Argentina by Demography and Place of Employment

	Chile		Argentina	
	Number	Percent	Number	Percent
Total number of respondents	47	100%	47	100%
Female journalists	32	68%	20	43%
Male journalists	15	32%	27	57%
Age (25-40)	23	49%	17	36%
Age (40-50)	18	38%	19	40%
Age (over 50)	8	13%	11	23%
Average age of respondents	42	NA	45	NA
Tier 1	27	57%	27	57%
Tier 2	20	43%	20	43%
Digital only	12	26%	14	30%
Mixed digital/traditional	35	74%	33	70%

NA = Not applicable

Journalists worked for news outlets that reach significant portions of the population in both countries. While the readership of news outlets cannot easily be calculated, as many people may obtain their information from more



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than one source, Table 2 and Table 3 show the diversity of coverage in the outlets included in this study, ranging from at least 1 percent to 56 percent of the total population in Argentina, and from about 2 percent to 55 percent in Chile.

Table 2: Coverage of 20 Largest Argentine News Outlets with Journalists who Participated in the Survey and Available Audience Estimates<sup>10</sup>

Type of news outlet	Estimated audience reached	Audience as percent of population
Tier 1 news outlet (mixed: traditional/digital)	25 million	56%
Tier 1 news outlet (digital only)	25 million	56%
Tier 1 news outlet (mixed: traditional/digital)	22 million	49%
Tier 1 news outlet (mixed: traditional/digital)	15 million	33%
Tier 1 news outlet (mixed: traditional/digital)	25 million	56%
Tier 1 news outlet (mixed: traditional/digital)	14 million	31%
Tier 1 news outlet (mixed: traditional/digital)	13 million	29%
Tier 1 news outlet (mixed: traditional/digital)	12 million	27%
Tier 1 news outlet (mixed: traditional/digital)	11 million	24%
Tier 1 news outlet (mixed: traditional/digital)	10 million	22%
Tier 1 news outlet (mixed: traditional/digital)	9.3 million	21%
Tier 1 news outlet (mixed: traditional/digital)	8.8 million	20%
Tier 1 news outlet (mixed: traditional/digital)	8.6 million	19%
Tier 1 news outlet (digital only)	8.3 million	18%
Tier 2 news outlet (mixed: traditional/digital)	2.7 million	6%
Tier 2 news outlet (mixed: traditional/digital)	2.3 million	5%
Tier 2 news outlet (digital only)	1.6 million	4%
Tier 2 news outlet (mixed: traditional/digital)	1.3 million	3%
Tier 2 news outlet (digital only)	800,000	2%
Tier 2 news outlet (digital only)	650,000	1%

10. News outlets not included on Tables 2 and 3 did not have, or did not provide, reliable estimates for audience reach. For the most part, they are smaller news outlets.

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Table 3: Coverage of 20 Largest Chilean News Outlets with Journalists who Participated in the Survey and Available Audience Estimates

Type of news outlet	Estimated audience reached	Audience as percent of population
Tier 1 news outlet (mixed: traditional/digital)	10.5 million	55%
Tier 1 news outlet (mixed: traditional/digital)	8 million	42%
Tier 1 news outlet (mixed: traditional/digital)	7 million	37%
Tier 1 news outlet (mixed: traditional/digital)	5.3 million	27%
Tier 1 news outlet (mixed: traditional/digital)	4.2 million	22%
Tier 1 news outlet (digital only)	2 million	11%
Tier 1 news outlet (mixed: traditional/digital)	2 million	11%
Tier 1 news outlet (digital only)	1.9 million	10%
Tier 1 news outlet (mixed: traditional/digital)	1.9 million	10%
Tier 1 news outlet (mixed: traditional/digital)	1.8 million	9%
Tier 1 news outlet (mixed: traditional/digital)	1.8 million	9%
Tier 1 news outlet (mixed: traditional/digital)	1.6 million	8%
Tier 1 news outlet (mixed: traditional/digital)	1.6 million	8%
Tier 1 news outlet (digital only)	1.4 million	7%
Tier 2 news outlet (mixed: traditional/digital)	1.4 million	7%
Tier 2 news outlet (mixed: traditional/digital)	1.2 million	6%
Tier 2 news outlet (digital only)	700,000	4%
Tier 2 news outlet (digital only)	600,000	3%
Tier 2 news outlet (digital only)	450,000	2%

\*All numbers are approximate figures / Source: Individual News Outlet and LLYC (Public relations/ Government affairs consulting firm).

### 4.2.6 Statistical Analysis

Respondents were asked to rate their answers on 3-, 5- or 7-point Likert scales. The results, which were discrete 3-, 5- or 7-point distributions, were then analyzed with the help of two-sample T-tests. These rating questions enabled the research to establish whether the answer distributions were different between subgroups within countries, as well as between subgroups

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or groups between countries.<sup>11</sup> The analysis also used a two-sample Kolmogorov-Smirnov test to establish that the difference of the Likert means between samples were the results of different distributions of the Likert answers rather than just the results of a shift in entire distributions, which, among other things, might have been the result of different sensitivities to the questions between subgroups within or between countries.

### 4.3 Main Results

Overall survey results indicate a significant difference in levels of news media freedom between Argentina and Chile. Argentine journalists experience more government pressure than their Chilean counterparts—an expected outcome given the two young democratic countries' different scores on news media freedom in the Freedom House ranking. Comparing overall responses between countries in each category helped identify the main instruments governments use to influence news media freedom (see Table 4).

The survey data show no significant difference between the two nations in pressure perceived as coming from laws and regulatory frameworks relating to media freedom. This is not surprising as the constitutions of democratic countries often include press freedom. All but one of the responses to questions on legal and regulatory frameworks related to news media

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11. Even though Likert data are discrete and ordinal, they can be used to compare the means between samples at an acceptable level of Type I errors (i.e., that the null hypothesis of the two means are equal is true (de Winter, J. F., & Dodou, D. (2010) - (Addendum added October 2012).

freedom signaled a statistically insignificant difference between Argentina and Chile—even differences in responses to the question on compliance with Article 19 of the UN Declaration of Human Rights protecting media freedom were minor.

Differences, more evident in responses related to economic pressures and threats and harassment governments employ against journalists, show that government restrictions on media freedom are greater across the board in Argentina than in Chile. Average scores for Argentina are higher than those for Chile, reflecting greater Argentine government pressure perceived by interviewees. Survey results also reveal that the greater overall pressure felt by Argentine journalists results in them changing editorial content more often than Chilean journalists, with data showing a significant statistical difference across various responses in this category (see Table 4).

Table 4: Overall Country Score (Chile vs. Argentina)

Factor	Chile	Argentina	p-value	Difference of means (Argentina minus Chile)
<b>Regulatory Framework</b>				
Laws and regulations comply with Art. 19-UNDHR.	$\mu = 2.32$ on Likert 1-3 (N=47)	$\mu = 2.55$ on Likert 1-3 (N=47)	0.035*	0.23
Laws and regulations designed to protect news media freedom	$\mu = 3.21$ on Likert 1-5 (N=47)	$\mu = 3.40$ on Likert 1-5 (N=47)	0.354	0.19
Restrictions on digital news media reporting	$\mu = 2.66$ on Likert 1-7 (N=47)	$\mu = 2.72$ on Likert 1-7 (N=47)	0.826	0.06
Restrictions on posts on the web	$\mu = 2.66$ on Likert 1-5 (N=47)	$\mu = 2.57$ on Likert 1-5 (N=46)	0.668	-0.09
Digital news media penalized due to content	$\mu = 1.83$ on Likert 1-5 (N=46)	$\mu = 1.93$ on Likert 1-5 (N=46)	0.516	0.10
<b>Threats and Harassment</b>				
Harassment of critical journalists	$\mu = 2.76$ on Likert 1-7	$\mu = 3.83$ on Likert 1-7 (N=47)	0.005**	1.07

## Chapter 4 | Digital News Media Freedom Survey

Factor	Chile	Argentina	p-value	Difference of means (Argentina minus Chile)
	(N=46)			
Experienced technical difficulties due to content	$\mu = 1.70$ on Likert 1-7 (N=46)	$\mu = 3.19$ on Likert 1-7 (N=47)	<0.001**	1.49
Worried about job loss	$\mu = 2.63$ on Likert 1-5 (N=46)	$\mu = 3.21$ on Likert 1-5 (N=47)	0.027*	0.58
Difficulty finding a job after being fired	$\mu = 2.67$ on Likert 1-5 (N=45)	$\mu = 3.28$ on Likert 1-5 (N=47)	0.010*	0.61
<b>Economic Pressure Tools</b>				
Economic pressure on private ISPs	$\mu = 1.89$ on Likert 1-5 (N=45)	$\mu = 3.34$ on Likert 1-5 (N=47)	<0.001**	1.45
Arbitrary provision or withdrawal of ads by government	$\mu = 1.82$ on Likert 1-5 (N=45)	$\mu = 3.46$ on Likert 1-5 (N=46)	<0.001**	1.64
Pressure on private companies to withdraw ads	$\mu = 2.31$ on Likert 1-7 (N=45)	$\mu = 4.20$ on Likert 1-7 (N=46)	<0.001**	1.89
<b>Editorial Content</b>				
Change in editorial line due to government pressure	$\mu = 2.05$ on Likert 1-7 (N=44)	$\mu = 3.62$ on Likert 1-7 (N=47)	<0.001**	1.57
Responsible for reader comments	$\mu = 1.29$ on Likert 1-5 (N=42)	$\mu = 2.13$ on Likert 1-5 (N=45)	<0.001**	0.84
Content taken down due to pressure	$\mu = 2.20$ on Likert 1-7 (N=44)	$\mu = 2.91$ on Likert 1-7 (N=46)	0.014*	0.71
Suppressing content for fear of reprisals	$\mu = 3.02$ on Likert 1-5 (N=44)	$\mu = 3.51$ on Likert 1-5 (N=47)	0.035*	0.49
Change in editorial after pro-gov ownership	$\mu = 3.25$ on Likert 1-5 (N=44)	$\mu = 3.72$ on Likert 1-5 (N=47)	0.032*	0.47

A Likert scale 1-3 included: Yes, Not Completely, and No (1 was always assigned to lowest government pressure and 3 to highest government pressure).

A Likert scale 1-5 included: Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, and Strongly Disagree (1 was always assigned to lowest government pressure and 5 to highest government pressure).

A Likert scale 1-5 included: Never, Rarely, Sometimes, Frequently, and Always (1 was always assigned to lowest government pressure and 5 to highest government pressure).

A Likert scale 1-7 included: A scale from 1 = Always to 7 = Never (1 was always assigned to lowest government pressure and 7 to highest government pressure).

### 4.3.1 Identifying the Main Categories of Instruments from the Survey

This section discusses the main categories of government pressure instruments and the range of responses to the corresponding survey questions. These categories are particularly interesting because they reveal a combination of two elements: (1) Argentina and Chile do not behave similarly, showing a difference of means greater than one, and (2) The average score in at least one of the countries indicates that government pressure was high—surpassing the midpoint pressure threshold<sup>12</sup>—thus signaling that those instruments could matter.

These conditions exist in two main categories: (1) Economic pressure tools, and (2) Threats and harassment. Economic pressure instruments are divided into three subcategories (a) Arbitrary use of state advertising with the intent of influencing editorial content; (b) Government action to pressure private companies to withdraw advertising from digital news outlets critical of the government with intent to influence editorial decisions; and (c) Government using economic pressure on private internet service providers to influence news distribution. With regard to threats and harassment, the study identifies one subcategory: Non-physical harassment of journalists who are critical of the government. Specific instruments within these categories are explored in the expert interviews in Chapter 6, for which the survey findings were useful in developing the guidelines.

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12. On a Likert Scale from 1–7, with 1 representing the least amount of pressure and 7 the most, the score was higher than 3.5. On a Likert Scale from 1–5, with one representing the least amount of pressure and 5 the most, the score was higher than 2.5.

### Category 1: Economic Pressure Tools

- 1) Arbitrary use of state advertising with the intent of influencing editorial content

Three-quarters of Argentine journalists perceive government pressure related to arbitrary withdrawal or provision of state advertising with intent to influence editorial decisions. In contrast, just 21 percent of their Chilean counterparts respond the same way. These results point to the potential misuse of public funds to influence media, a topic further explored during the interviews. The stronger pressure on Argentine journalists is also evident in the distribution of the answers. The average response in Argentina is 1.64 points greater than in Chile.

- 2) Government exerts pressure on private companies to withdraw advertising from digital news outlets critical of the government with the intent to influence editorial decisions

Approximately 65 percent of Argentine journalists indicate they perceive significant pressure on private companies to withdraw advertising from news outlets critical of the government in order to influence editorial decisions, while only 16 percent of their Chilean counterparts hold the same opinion. These results indicate a need to look deeper during the interviews at government interaction with non-media private sector companies with the intent to influence news outlets. The greater pressure on Argentine journalists is also evident in the distribution of the answers. The average response in Argentina is 1.89 points greater than in Chile.

- 3) Government exerts economic pressure on private internet service providers or mobile operators to influence their news distribution

Just over half (51 percent) of Argentine journalists agree that the government exerts economic pressure on private ISPs to influence news distribution, compared to only 4 percent of their Chilean counterparts. The average response in Argentina is 1.45 points greater than in Chile. It is difficult to explain this result as there are numerous ISPs in Argentina, giving media outlets a wide range of options regarding which service to use. In addition, international watchdog organizations have consistently considered Argentina to enjoy Internet Freedom (*Freedom of the Net Report, Freedom House 2012–2021*). This was further explored during in-depth interviews with experts (see Chapter 6).

### **Category 2: Threats and Harassment**

- 4) Nonphysical harassment of journalists who are critical of the government

Nearly two-thirds (60 percent) of Argentine journalists responded that they often experience harassment and intimidation when they are critical of the government. Only 23 percent of their Chilean counterparts reported experiencing such pressures. Argentine journalists clearly perceive more pressure across this category, with the average response in Argentina 1.07 points higher than in Chile. However, while their perception of harassment is relatively lower, Chilean journalists do report that it is used more than any of the main economic pressure tools identified.



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### 4.3.2 Comparing the Level of Influence on Editorial Content

While responses identifying government pressure instruments show greater curtailment of media freedom in Argentina, it is important to test journalist perceptions of how those mechanisms influence editorial content. Survey results consistently show higher levels of government pressure on Argentine journalists to alter their editorial decisions, while Chilean journalists enjoy greater freedom from state authorities' interference.

More than half of Argentine journalists (56 percent) often perceived government pressure intended to alter their editorial content. That was more than their counterparts in Chile, where only 16 percent of journalists held that view. The average response in Argentina is 1.57 points greater than in Chile.

While a significant difference also is found in responses to the question whether journalists or news media organizations they work(ed) for could be held responsible for readers' comments on their articles, the level of pressure that journalists experience in this area was low in both countries. Thus, while Chile is consistently freer, the results do not show that responsibility for third-party comments is a major consideration in either country.

### 4.3.3 Disaggregated Results by Gender, Tier and Media Type

#### **Gender - Male/Female Journalists**

Survey results by gender, summarized in Table 5, show differences within countries do exist. Women perceive slightly greater overall pressure than men, but these differences are not consistently significant for each

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instrument studied. When comparing Chile and Argentina, female journalists are more subject to economic pressures and alter their editorial content more often. Consistent with previous observations, Argentina scored higher than Chile in terms of male and female journalists perceiving greater government pressure in all categories.

Yet this difference is only significant with about half of the pressure instruments. Legal and regulatory instruments are not experienced differently by males or females in either country and their experience does not vary between countries. Threats and harassment, as well as editorial content changes, are more often reported as a serious concern by Argentinian than Chilean women. This is less an issue for males. Both male and female journalists in Argentina consider economic pressure tools a serious threat.

In Chile, overall pressure levels are low on male and female journalists. The gender difference is only significant in two cases; males perceive more legal pressure on news media than their female counterparts; and Chilean female journalists perceive greater economic pressure on private ISPs than their male counterparts.

Table 5: Gender (Responses from male and female journalists by country)

Factor	Chile			Argentina			Between countries	
	Male	Female	p-value	Male	Female	p-value	p-value (male)	p-value (female)
<b>Legal - Regulatory Framework</b>								
Laws and regulations comply with Art. 19-UNDHR	$\mu = 2.40$ Likert 1-3 (N=15)	$\mu = 2.28$ Likert 1-3 (N=32)	0.501	$\mu = 2.56$ Likert 1-5 (N=27)	$\mu = 2.55$ Likert 1-5 (N=20)	0.971	0.346	0.096
Laws and regulations	$\mu = 3.20$	$\mu = 3.22$	0.958	$\mu = 3.52$	$\mu = 3.25$	0.290	0.335	0.912

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Factor	Chile			Argentina			Between countries	
	Male	Female	p-value	Male	Female	p-value	p-value (male)	p-value (female)
designed to protect news media freedom	Likert 1-5 (N=15)	Likert 1-5 (N=32)		Likert 1-5 (N=27)	Likert 1-5 (N=20)			
Restrictions on digital news media reporting	$\mu = 3.13$ Likert 1-7 (N=15)	$\mu = 2.44$ Likert 1-7 (N=32)	0.106	$\mu = 2.93$ Likert 1-7 (N=27)	$\mu = 2.45$ Likert 1-7 (N=20)	0.261	0.676	0.973
Restrictions on posts on the web	$\mu = 3.00$ Likert 1-5 (N=15)	$\mu = 2.50$ Likert 1-5 (N=32)	0.152	$\mu = 2.52$ Likert 1-5 (N=27)	$\mu = 2.63$ Likert 1-5 (N=19)	0.711	0.192	0.650
Digital news media penalized due to content	$\mu = 2.14$ Likert 1-5 (N=14)	$\mu = 1.69$ Likert 1-5 (N=32)	<b>0.034*</b>	$\mu = 1.93$ Likert 1-5 (N=27)	$\mu = 1.95$ Likert 1-5 (N=19)	0.938	0.468	0.204
<b>Threats and Harassment</b>								
Harassment of critical journalists	$\mu = 2.57$ Likert 1-7 (N=14)	$\mu = 2.84$ Likert 1-7 (N=32)	0.631	$\mu = 3.74$ Likert 1-7 (N=27)	$\mu = 3.95$ Likert 1-7 (N=20)	0.705	0.060	<b>0.035*</b>
Experienced technical difficulties due to content	$\mu = 1.79$ Likert 1-7 (N=14)	$\mu = 1.66$ Likert 1-7 (N=32)	0.742	$\mu = 3.00$ Likert 1-7 (N=27)	$\mu = 3.45$ Likert 1-7 (N=20)	0.400	<b>0.024*</b>	<b>0.001**</b>
Worried about job loss	$\mu = 2.64$ Likert 1-5 (N=14)	$\mu = 2.62$ Likert 1-5 (N=32)	0.969	$\mu = 3.30$ Likert 1-5 (N=27)	$\mu = 3.10$ Likert 1-5 (N=20)	0.537	0.090	0.218
Difficulty finding a job after being fired	$\mu = 2.71$ Likert 1-5 (N=14)	$\mu = 2.65$ Likert 1-5 (N=31)	0.861	$\mu = 3.33$ Likert 1-5 (N=27)	$\mu = 3.20$ Likert 1-5 (N=20)	0.661	0.067	0.118
<b>Economic Pressure Tools</b>								
Economic pressure on private ISPs	$\mu = 1.54$ Likert 1-5 (N=13)	$\mu = 2.03$ Likert 1-5 (N=32)	<b>0.043*</b>	$\mu = 3.26$ Likert 1-5 (N=27)	$\mu = 3.45$ Likert 1-5 (N=20)	0.535	<b>&lt;0.0005**</b>	<b>&lt;0.0005**</b>
Arbitrary provision or withdrawal of ads by government	$\mu = 2.00$ Likert 1-5 (N=13)	$\mu = 1.75$ Likert 1-5 (N=32)	0.485	$\mu = 3.33$ Likert 1-5 (N=27)	$\mu = 3.63$ Likert 1-5 (N=19)	0.384	<b>0.003**</b>	<b>&lt;0.0005**</b>
Pressure on private companies	$\mu = 2.15$ Likert	$\mu = 2.38$ Likert	0.618	$\mu = 4.07$ Likert	$\mu = 4.37$ Likert	0.652	<b>0.005**</b>	<b>0.002**</b>

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Factor	Chile			Argentina			Between countries	
	Male	Female	p-value	Male	Female	p-value	p-value (male)	p-value (female)
to withdraw ads	1-7 (N=13)	1-7 (N=32)		1-7 (N=27)	1-7 (N=19)			
<b>Editorial Content</b>								
Change in editorial line due to government pressure	$\mu = 2.08$ Likert 1-7 (N=13)	$\mu = 2.03$ Likert 1-7 (N=31)	0.916	$\mu = 3.37$ Likert 1-7 (N=27)	$\mu = 3.95$ Likert 1-7 (N=20)	0.230	0.018*	<0.0005**
Responsible for reader comments	$\mu = 1.23$ Likert 1-5 (N=13)	$\mu = 1.31$ Likert 1-5 (N=31)	0.672	$\mu = 2.20$ Likert 1-5 (N=25)	$\mu = 2.05$ Likert 1-5 (N=20)	0.691	<b>0.001**</b>	<b>0.024*</b>
Content taken down due to pressure	$\mu = 2.08$ Likert 1-7 (N=13)	$\mu = 2.26$ Likert 1-7 (N=31)	0.634	$\mu = 2.70$ Likert 1-7 (N=27)	$\mu = 3.21$ Likert 1-7 (N=19)	0.270	0.199	<b>0.028*</b>
Suppressing content for fear of reprisals	$\mu = 3.00$ Likert 1-5 (N=13)	$\mu = 3.03$ Likert 1-5 (N=31)	0.930	$\mu = 3.63$ Likert 1-5 (N=27)	$\mu = 3.35$ Likert 1-5 (N=20)	0.386	0.113	0.294
Change in editorial after pro-gov ownership	$\mu = 3.08$ Likert 1-5 (N=13)	$\mu = 3.32$ Likert 1-5 (N=31)	0.514	$\mu = 3.63$ Likert 1-5 (N=27)	$\mu = 3.85$ Likert 1-5 (N=20)	0.404	0.142	<b>0.046*</b>

A Likert scale 1-3 included: Yes, Not Completely, and No (1 was always assigned to lowest government pressure and 3 to highest government pressure).

A Likert scale 1-5 included: Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, and Strongly Disagree (1 was always assigned to lowest government pressure and 5 to highest government pressure).

A Likert scale 1-5 included: Never, Rarely, Sometimes, Frequently, and Always (1 was always assigned to lowest government pressure and 5 to highest government pressure).

A Likert scale 1-7 included: A scale from 1 = Always to 7 = Never (1 was always assigned to lowest government pressure and 7 to highest government pressure).

### Media Tier: Tier 1/ Tier 2 Media

Survey responses are also disaggregated by type of news outlets. This subsection compares media based on their tiers, which refers to the classification of news outlets based on their reach, impact and audience. The two groups in this survey are “Tier 1” news media, which includes top national, mainstream media outlets with wide circulation, and large

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audiences that greatly influence public opinion, and “Tier 2” news media, consisting of media outlets with more focused coverage on topics or regions, but with broad reach among a niche audience.

Results indicate barely any statistically significant differences between Tier 1 and Tier 2 news media in each country. As expected, there are substantial and significant differences between the countries regarding pressures to affect news media freedom. Journalists working for Tier 1 and Tier 2 news media outlets in Argentina experienced more overall pressure than their Chilean counterparts.

In Argentina, news media outlets perceive similar levels of pressure across the board, with no major differences between tiers. As expected, economic pressure and harassment are the two primary instruments. While government pressure in Chile is relatively low, compared to Argentina, Tier 1 news media outlets fare a bit better than do those in Tier 2. Part of the reason for this could be that Tier 2 media tend to have fewer funding options than their Tier 1 counterparts, making them more susceptible to government pressure—especially when operating at a provincial or municipal level, as is common for these types of outlets. It may also be that national authorities are unable or unwilling to effectively implement policies that prevent these pressures beyond the national government structure. This will be explored further in Chapter 6.

The comparison between countries shows quite a contrast, with statistically significant differences between Argentina and Chile Tier 1 media in every subject area except in legal and regulatory framework. Argentine journalists

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face more government pressure, most notably from economic and harassment tools, with significant differences present on every question in those two categories. Consistent with those findings, Argentine Tier 1 media outlets also report changing their editorial content more often due to this pressure, in stark contrast with Chilean Tier 1 media (see Table 6).

Significant differences also exist between the countries regarding Tier 2 media, albeit primarily related to economic pressure tools. Chilean Tier 2 media outlets do, however, report experiences more like those of their Argentine counterparts, although with slightly less pressure, regarding harassment and pressure to influence their editorial content. This is likely explained by the concentration of power in local authorities in provinces and municipalities versus the more comprehensive, but more diverse, political and economic power sources in the capital cities. This makes Tier 2 media more vulnerable to local government pressure.

Table 6: Media Tier (Tier 1/Tier 2)

Factor	Chile			Argentina			Between countries	
	Tier 1	Tier 2	p-value	Tier 1	Tier 2	p-value	p-value (Tier 1)	p-value (Tier 2)
<b>Regulatory Framework</b>								
Laws and regulations comply with Art. 19 UNHDR	$\mu = 2.41$ Likert 1-3 (N=27)	$\mu = 2.20$ Likert 1-3 (N=20)	0.209	$\mu = 2.52$ Likert 1-5 (N=27)	$\mu = 2.60$ Likert 1-5 (N=20)	0.588	0.423	<b>0.030*</b>
Laws and regulations designed to protect news media freedom	$\mu = 3.07$ Likert 1-5 (N=27)	$\mu = 3.40$ Likert 1-5 (N=20)	0.330	$\mu = 3.41$ Likert 1-5 (N=27)	$\mu = 3.40$ Likert 1-5 (N=20)	0.977	0.228	1.000
Restrictions on digital news media reporting	$\mu = 2.56$ Likert 1-7 (N=27)	$\mu = 2.80$ Likert 1-7 (N=20)	0.552	$\mu = 2.81$ Likert 1-7 (N=27)	$\mu = 2.60$ Likert 1-7 (N=20)	0.618	0.517	0.644

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Factor	Chile			Argentina			Between countries	
	Tier 1	Tier 2	p-value	Tier 1	Tier 2	p-value	p-value (Tier 1)	p-value (Tier 2)
Restrictions on posts on the web	$\mu = 2.81$ Likert 1-5 (N=27)	$\mu = 2.45$ Likert 1-5 (N=20)	0.269	$\mu = 2.41$ Likert 1-5 (N=27)	$\mu = 2.79$ Likert 1-5 (N=19)	0.207	0.135	0.359
Digital news media penalized due to content	$\mu = 1.77$ Likert 1-5 (N=26)	$\mu = 1.90$ Likert 1-5 (N=20)	0.522	$\mu = 1.96$ Likert 1-5 (N=26)	$\mu = 1.90$ Likert 1-5 (N=20)	0.829	0.337	1.000
<b>Threats and Harassment</b>								
Harassment of critical journalists	$\mu = 2.15$ Likert 1-7 (N=27)	$\mu = 3.63$ Likert 1-7 (N=19)	<b>0.009**</b>	$\mu = 3.63$ Likert 1-7 (N=27)	$\mu = 4.10$ Likert 1-7 (N=20)	0.393	<b>0.001**</b>	0.478
Experienced technical difficulties due to content	$\mu = 1.41$ Likert 1-7 (N=27)	$\mu = 2.11$ Likert 1-7 (N=19)	0.089	$\mu = 3.22$ Likert 1-7 (N=27)	$\mu = 3.15$ Likert 1-7 (N=20)	0.893	<b>&lt;0.0005**</b>	0.076
Worried about job loss	$\mu = 2.22$ Likert 1-5 (N=27)	$\mu = 3.21$ Likert 1-5 (N=19)	<b>0.017*</b>	$\mu = 3.19$ Likert 1-5 (N=27)	$\mu = 3.25$ Likert 1-5 (N=20)	0.839	<b>0.003**</b>	0.925
Difficulty finding a job after being fired	$\mu = 2.48$ Likert 1-5 (N=27)	$\mu = 2.94$ Likert 1-5 (N=18)	0.211	$\mu = 3.41$ Likert 1-5 (N=27)	$\mu = 3.10$ Likert 1-5 (N=20)	0.310	<b>0.004**</b>	0.662
<b>Economic Pressure Tools</b>								
Economic pressure on private ISPs	$\mu = 1.65$ Likert 1-5 (N=26)	$\mu = 2.21$ Likert 1-5 (N=19)	0.053	$\mu = 3.37$ Likert 1-5 (N=27)	$\mu = 3.30$ Likert 1-5 (N=20)	0.819	<b>&lt;0.0005**</b>	<b>0.006**</b>
Arbitrary provision or withdrawal of ads by government	$\mu = 1.58$ Likert 1-5 (N=26)	$\mu = 2.16$ Likert 1-5 (N=19)	0.101	$\mu = 3.35$ Likert 1-5 (N=26)	$\mu = 3.60$ Likert 1-5 (N=20)	0.456	<b>&lt;0.0005**</b>	<b>0.001**</b>
Pressure on private companies to withdraw ad	$\mu = 1.73$ Likert 1-7 (N=26)	$\mu = 3.11$ Likert 1-7 (N=19)	<b>&lt;0.0005**</b>	$\mu = 4.30$ Likert 1-7 (N=27)	$\mu = 4.05$ Likert 1-7 (N=19)	0.722	<b>&lt;0.0005**</b>	0.159
<b>Editorial Content</b>								
Change in editorial line due to government pressure	$\mu = 1.62$ Likert 1-7 (N=26)	$\mu = 2.67$ Likert 1-7 (N=18)	<b>0.011*</b>	$\mu = 3.78$ Likert 1-7 (N=27)	$\mu = 3.40$ Likert 1-7 (N=20)	0.456	<b>&lt;0.0005**</b>	0.190

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Factor	Chile			Argentina			Between countries	
	Tier 1	Tier 2	p-value	Tier 1	Tier 2	p-value	p-value (Tier 1)	p-value (Tier 2)
Responsible for reader comments	$\mu = 1.20$ Likert 1-5 (N=25)	$\mu = 1.41$ Likert 1-5 (N=17)	0.228	$\mu = 2.38$ Likert 1-5 (N=26)	$\mu = 1.79$ Likert 1-5 (N=19)	0.111	<0.0005**	0.233
Content taken down due to pressure	$\mu = 2.27$ Likert 1-7 (N=26)	$\mu = 2.11$ Likert 1-7 (N=18)	0.654	$\mu = 3.00$ Likert 1-7 (N=26)	$\mu = 2.80$ Likert 1-7 (N=20)	0.663	0.062	0.110
Suppressing content for fear of reprisals	$\mu = 2.81$ Likert 1-5 (N=26)	$\mu = 3.33$ Likert 1-5 (N=18)	0.116	$\mu = 3.41$ Likert 1-5 (N=27)	$\mu = 3.65$ Likert 1-5 (N=20)	0.453	0.054	0.353
Change in editorial after pro-gov ownership	$\mu = 3.08$ Likert 1-5 (N=26)	$\mu = 3.50$ Likert 1-5 (N=18)	0.223	$\mu = 3.70$ Likert 1-5 (N=27)	$\mu = 3.75$ Likert 1-5 (N=20)	0.871	<b>0.033*</b>	0.460

A Likert scale 1-3 included: Yes, Not Completely, and No (1 was always assigned to lowest government pressure and 3 to highest government pressure).

A Likert scale 1-5 included: Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, and Strongly Disagree (1 was always assigned to lowest government pressure and 5 to highest government pressure).

A Likert scale 1-5 included: Never, Rarely, Sometimes, Frequently, and Always (1 was always assigned to lowest government pressure and 5 to highest government pressure).

A Likert scale 1-7 included: A scale from 1 = Always to 7 = Never (1 was always assigned to lowest government pressure and 7 to highest government pressure).

### Media Type: Digital-only News Media/Digital News Outlets as Part of Traditional Media Groups

Survey results comparing digital-only news media with digital news outlets that are part of traditional media groups reveal no significant difference within the two countries. However, there is quite a disparity between countries. In comparing the case study countries, the Argentine government is clearly perceived as applying direct economic pressure on news outlets, as well as on private sector advertisers, and ISPs. This direct pressure could be achieved by the government's use of large sums of public funds to blanket



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media with advertising to gain influence. Private sector advertisers likely recognize that, although the Argentine government places significant amounts of state advertising in media, the majority of news media advertising revenue still comes from private sector companies. This is a sharp contrast to the low levels of economic pressure perceived by both types of Chilean news outlets in these aspects.

There also is a difference between countries in the number of journalists altering their editorial content because of government pressure, with more instances of this in Argentina. It is notable, however, that this is primarily reported by journalists working for digital news media outlets associated with traditional media groups, not those with digital-only outlets. This may be because the Argentine government focuses more on changing the editorial lines of news media outlets that reach large portions of the population, thus more strongly influencing public opinion. Those vehicles tend to be mixed digital news outlets that are part of well-established media groups, which also means they are largely Tier 1 media. In this regard, these results are consistent with those from the previous subsection on media tiers, which shows that Argentina's Tier 1 media outlets change their editorial content as a result of government pressure more often than their Chilean counterparts do.

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Table 7: Media Type (Digital-only outlets vs. digital platforms of traditional news media)

Factor	Chile			Argentina			Between countries	
	Digital Only	Digital/ Traditional Mix	p-value	Digital Only	Digital/ Traditional Mix	p-value	p-value (Digital Only)	p-value (Digital/ Trad. Mix)
<b>Regulatory Framework</b>								
Laws and regulations comply with Art. 19 UNDHR	$\mu = 2.25$ Likert 1-3 (N=12)	$\mu = 2.34$ Likert 1-3 (N=35)	0.623	$\mu = 2.50$ Likert 1-5 (N=14)	$\mu = 2.58$ Likert 1-5 (N=33)	0.642	0.275	0.070
Laws and regulations designed to protect news media freedom	$\mu = 3.58$ Likert 1-5 (N=12)	$\mu = 3.09$ Likert 1-5 (N=35)	0.188	$\mu = 3.14$ Likert 1-5 (N=14)	$\mu = 3.52$ Likert 1-5 (N=33)	0.173	0.237	0.088
Restrictions on digital news media reporting	$\mu = 2.67$ Likert 1-7 (N=12)	$\mu = 2.66$ Likert 1-7 (N=35)	0.984	$\mu = 2.50$ Likert 1-7 (N=14)	$\mu = 2.82$ Likert 1-7 (N=33)	0.495	0.758	0.646
Restrictions on posts on the web	$\mu = 2.33$ Likert 1-5 (N=12)	$\mu = 2.77$ Likert 1-5 (N=35)	0.242	$\mu = 2.54$ Likert 1-5 (N=13)	$\mu = 2.58$ Likert 1-5 (N=33)	0.911	0.685	0.417
Digital news media penalized due to content	$\mu = 2.08$ Likert 1-5 (N=12)	$\mu = 1.74$ Likert 1-5 (N=34)	0.127	$\mu = 1.79$ Likert 1-5 (N=14)	$\mu = 2.00$ Likert 1-5 (N=32)	0.466	0.450	0.137
<b>Threats/Harassment</b>								
Harassment of critical	$\mu = 2.91$ Likert 1-7 (N=11)	$\mu = 2.71$ Likert 1-7 (N=35)	0.750	$\mu = 4.14$ Likert 1-7 (N=14)	$\mu = 3.70$ Likert 1-7 (N=33)	0.455	0.145	<b>0.022*</b>
Experienced technical difficulties due to content	$\mu = 1.91$ Likert 1-7 (N=11)	$\mu = 1.63$ Likert 1-7 (N=35)	0.508	$\mu = 3.50$ Likert 1-7 (N=14)	$\mu = 3.06$ Likert 1-7 (N=33)	0.447	<b>0.024*</b>	<b>&lt;0.0005**</b>
Worried about job loss	$\mu = 2.73$ Likert 1-5 (N=11)	$\mu = 2.60$ Likert 1-5 (N=35)	0.796	$\mu = 3.43$ Likert 1-5 (N=14)	$\mu = 3.12$ Likert 1-5 (N=33)	0.370	0.163	0.092
Difficulty finding a job after being fired	$\mu = 2.73$ Likert 1-5 (N=11)	$\mu = 2.65$ Likert 1-5 (N=34)	0.850	$\mu = 3.21$ Likert 1-5 (N=14)	$\mu = 3.30$ Likert 1-5 (N=33)	0.760	0.254	<b>0.023*</b>

## Chapter 4 | Digital News Media Freedom Survey

Factor	Chile			Argentina			Between countries	
	Digital Only	Digital/ Traditional Mix	p-value	Digital Only	Digital/ Traditional Mix	p-value	p-value (Digital Only)	p-value (Digital/ Trad. Mix)
<b>Economic Pressure Tools</b>								
Economic pressure on private ISPs	$\mu = 1.91$ Likert 1-5 (N=11)	$\mu = 1.88$ Likert 1-5 (N=34)	0.937	$\mu = 3.14$ Likert 1-5 (N=14)	$\mu = 3.42$ Likert 1-5 (N=33)	0.396	<b>0.005**</b>	<b>&lt;0.0005**</b>
Arbitrary provision or withdrawal of ads by government	$\mu = 2.09$ Likert 1-5 (N=11)	$\mu = 1.74$ Likert 1-5 (N=34)	0.345	$\mu = 3.71$ Likert 1-5 (N=14)	$\mu = 3.34$ Likert 1-5 (N=32)	0.311	<b>0.002**</b>	<b>&lt;0.0005**</b>
Pressure on private companies to withdraw ads	$\mu = 2.82$ Likert 1-7 (N=11)	$\mu = 2.15$ Likert 1-7 (N=34)	0.147	$\mu = 4.38$ Likert 1-7 (N=13)	$\mu = 4.12$ Likert 1-7 (N=33)	0.712	<b>0.053</b>	<b>&lt;0.0005**</b>
<b>Editorial Content</b>								
Change in editorial line due to government pressure	$\mu = 2.18$ Likert 1-7 (N=11)	$\mu = 2.00$ Likert 1-7 (N=33)	0.683	$\mu = 3.29$ Likert 1-7 (N=14)	$\mu = 3.76$ Likert 1-7 (N=33)	0.368	0.083	<b>&lt;0.0005**</b>
Responsible for reader comments	$\mu = 1.20$ Likert 1-5 (N=10)	$\mu = 1.31$ Likert 1-5 (N=32)	0.581	$\mu = 1.64$ Likert 1-5 (N=14)	$\mu = 2.35$ Likert 1-5 (N=31)	0.053	0.158	<b>&lt;0.0005**</b>
Content taken down due to pressure	$\mu = 2.36$ Likert 1-7 (N=11)	$\mu = 2.15$ Likert 1-7 (N=33)	0.597	$\mu = 2.93$ Likert 1-7 (N=14)	$\mu = 2.91$ Likert 1-7 (N=32)	0.964	0.271	<b>0.035*</b>
Suppressing content for fear of reprisals	$\mu = 3.00$ Likert 1-5 (N=11)	$\mu = 3.03$ Likert 1-5 (N=33)	0.937	$\mu = 3.57$ Likert 1-5 (N=14)	$\mu = 3.48$ Likert 1-5 (N=33)	0.805	0.251	0.085
Change in editorial after pro-gov ownership	$\mu = 3.09$ Likert 1-5 (N=11)	$\mu = 3.30$ Likert 1-5 (N=33)	0.593	$\mu = 3.71$ Likert 1-5 (N=14)	$\mu = 3.73$ Likert 1-5 (N=33)	0.966	0.142	0.108

A Likert scale 1-3 included: Yes, Not Completely, and No (1 was always assigned to lowest government pressure and 3 to highest government pressure).

A Likert scale 1-5 included: Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, and Strongly Disagree (1 was always assigned to lowest government pressure and 5 to highest government pressure).

A Likert scale 1-5 included: Never, Rarely, Sometimes, Frequently, and Always (1 was always assigned to lowest government pressure and 5 to highest government pressure).

A Likert scale 1-7 included: A scale from 1 = Always to 7 = Never (1 was always assigned to lowest government pressure and 7 to highest government pressure).

### 4.4 Conclusion

Government actions to curtail news media freedom in a democracy with a “partly free” media environment appear to rely on subtle pressure instruments often not explicitly addressed by specific laws. Still, they enable a restrictive state to make it challenging to conduct independent journalism. The survey results in this chapter identify key government pressure mechanisms in two young democratic countries that journalists perceive to have the most significant influence on their ability to conduct their work. Economic pressure tools and threats and harassment are the main categories of these instruments. In this case study comparison, journalists in Argentina perceive more pressure from the government than their counterparts in Chile in almost every area addressed.

Survey data were derived exclusively from journalists in both countries, as reporters and editors are the first to become aware of subtle government pressures on news media freedom. The survey includes journalists from print, broadcast and radio news outlets with online news platforms, as well as from digital-only publications serving as news providers. They work(ed) for Tier 1 or Tier 2 news media outlets in their respective countries during the period studied.

Survey responses were helpful in developing the guide for semi-structured interviews with knowledgeable experts from various sectors of society. Findings from those interviews helped in the analysis of survey results to determine which are the most significant instruments used in each country (see Chapter 6). In addition, the legal and regulatory framework analysis

## Chapter 4 | Digital News Media Freedom Survey

related to media laws in the following chapter (Chapter 5) helped determine whether its results are consistent with the survey findings, which show scant differences between the two countries in that specific category.

The overall picture painted by the survey points to less media freedom in Argentina than in Chile. The remaining chapters will reflect on which of the identified pressure instruments are the main mechanisms democratic governments can employ when trying to restrict news outlets. The result will also lead to greater understanding of the disparity in media freedom levels between these two young democracies, potentially providing insight into how free democratic governments can attempt to curtail news media freedom.

# **5 ASSESSMENT OF THE LEGAL AND REGULATORY FRAMEWORKS IN ARGENTINA AND CHILE**

## Chapter 5 | Assessment of the Legal and Regulatory Frameworks

### 5.1 Introduction

When comparing two “Free” democracies that differ in their environments for press freedom, it is necessary to examine media-related laws to understand if and how they may have influenced news media freedom. Such analysis also provides an important reference point when considering the media freedom survey results discussed in Chapter 4, as it helps establish whether the legal frameworks are, in fact, consistent with the survey findings. Journalists who participated in the survey indicate that, despite differences in media freedom levels between the two countries during the period studied, both legal frameworks included a basic set of rights and guarantees for the exercise of journalistic work. They do not identify laws or regulations as core instruments for hindering their freedom, instead pointing to economic tools and harassment.

This chapter analyzes national laws relevant to news media freedom in the subject countries, Argentina and Chile. It also looks in-depth at the role played by international instruments and the importance of international human rights treaties whose normative contents have been given domestic legal status in both countries. Legal cases focused on news media freedom related to constitutional articles, laws, or binding international treaties are also examined. Judgments rendered in legal cases are an indicator of whether the normative content and intent of laws are upheld by courts in practice.

International treaties have significantly influenced national laws and constitutions in countries that ratify them and comply with their articles.

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They are mechanisms that create international standards that nations should abide by (*Sangroula, 2010*). The treaties have also included defining concepts such as “freedom of expression” and “freedom of the press.” For example, Article 19 of the International Covenant on Civil and Political Rights (ICCPR) states that everyone has the “freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or print, in the form of art, or through any other media of his choice” (*Article 19 - ICCPR, 1966*).

The chapter does not examine each country’s overall legal framework governing mass media operations. Rather, it focuses on laws relevant to this research, such as those connected to news media freedom. It also explores key similarities and differences between the two countries’ regulatory frameworks related to freedom of the press. This discussion, then, sets the stage for the next chapter, which focuses on the specific tools and mechanisms each government employs in its interactions with media.

Section 5.2 will look at international legal instruments ratified by both case study countries to give them national legal status and how those instruments relate to news media freedom. These include agreements signed both on a global level, via the UN system, and regional Latin American treaties within the context of the Inter-American human rights system. The chapter also describes the judicial function of the Inter-American Court of Human Rights and its role in advising member states on their obligations to conform domestic legislation to ratified regional treaties. Sections 5.3 and 5.4 detail the legal provisions and systems in Argentina and Chile, respectively, focusing on sections of their constitutions and laws relevant to news media



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freedom. Section 5.5 compares the main similarities and differences between the legal frameworks in both nations. The chapter ends with a conclusion in Section 5.6.

### 5.2 International Legal Instruments Related to News Media Freedom Ratified by Argentina and Chile

International treaties have had a strong global influence in shaping understanding of fundamental human rights. Their significant level of public acceptance suggests substantial progress toward recognizing human rights norms (*Camp Keith, 1999*). Critics argue that the treaties rarely have formal enforcement mechanisms of their own. However, evidence suggests they are more likely to improve human rights in societies with strong civil society activism (*Hafner-Burton & Tsutsui, 2007*). Their normative influence is also considered greater in democratic countries than in autocratically governed nations (*Neumayer, 2005*). Furthermore, the international system seems most effective in nations where legal norms of international treaties are made part of domestic law by constitutional or legislative reform (*Heyns & Viljoen, 2001*). This last point is particularly relevant, as this was the mechanism employed by both Argentina and Chile.

Over decades, the international community has been developing and codifying concepts such as freedom of expression, turning them into a body of international law. However, these concepts only become national law

when they are, a) ratified by national governments or legislative bodies and, b) placed within the national legal frameworks and hierarchies.<sup>13</sup>

All international instruments in this section are obligatory for Argentina and Chile, as they have ratified them, thereby requiring that they abide by their provisions. Two international standard-setting organizations are relevant for both countries: The UN, as a global organization, and the Organization of American States (OAS), as a regional organization. The following sections outline basic legal concepts that the two organizations have developed regarding freedom of expression and freedom of the press, focusing on those that have had a defining influence on legislation in Argentina and Chile.

### 5.2.1 United Nations System Legal Instruments

One of the objectives of the original 1945 UN Charter was “to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained” (*United Nations Charter, 1945*). The Charter did not, however, specify the list of rights. That void was filled three years later, when 48 of the then 58 UN member states adopted the Universal Declaration of Human Rights (UNDHR) (*United Nations, 1948*). While the Declaration formulated fundamental legal principles and influenced all subsequent legal norms in the UN system, it was not a ratifiable instrument that created binding

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13. International treaties are regulated by the 1969 U.N. Vienna Convention on the Law of Treaties (VCLT, 1969). Signing a treaty does not bind a U.N. member state to the agreement, though it does signal its willingness to move forward with the process to obtain ratification (Arts.10 and 18, VCLT). It becomes binding when the signatory nation obtains approval and ratification for the treaty at the national level and enacts the necessary legislation to give that treaty domestic effect (Arts.2 (1) (b), 14 (1), and 16, VCLT). If a treaty is already negotiated and signed by other countries, the act whereby a country accepts becoming a party to the treaty is called “accession.” It carries the same legal effect as ratification (Arts.2 (1) (b) and 15, VCLT).

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obligations for countries. This gave rise to the International Bill of Rights, developed by UN General Assembly Resolution 217, which specifies the rights in the UNDHR. This resulted in two treaties: The International Covenant on Economic, Social, and Cultural Rights (*United Nations, 1966*) and the ICCPR (1966). Unlike the UNDHR itself, the two covenants could be ratified and turned into binding national law. Article 19 of the UNDHR addresses individuals' right to freedom of expression and freedom of the press, but it was the inclusion of those rights in Article 19 of the ICCPR that committed countries to honoring them.

Below are the conceptual core provisions in the UN treaties related to this research.

### **Universal Declaration of Human Rights**

*Article 19: Freedom of expression, opinion, investigation, and dissemination:* This article states that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media, regardless of frontiers.” When considering this right in the context of relevant laws in the legal systems of Argentina and Chile, freedom of expression also safeguards research and the dissemination of ideas and opinions. Various national and international courts also establish that freedom of expression is necessary for democratic societies. Thus, this is both an individual and collective right due to its importance in codifying the control such societies can exercise over public and private subjects.

### **International Covenant on Civil and Political Rights**

Article 19: Freedom of expression, opinion, investigation, and dissemination. The article's core idea is that "everyone shall have the right to hold opinions without interference." Both Chile and Argentina have ratified the Covenant. Even more importantly, both countries have also ratified the first Optional Protocol to the ICCPR, which "enables the Human Rights Committee, set up under that Covenant, to receive and consider communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant" (International Bill of Human Rights, United Nations, 1948). This means that citizens of both countries who feel deprived of their right to freedom of expression can bring their cases to the Human Rights Committee.

#### 5.2.2 Inter-American System Legal Instruments

All countries in the Americas are members of the OAS, the principal regional, political, juridical and decision-making forum in Western Hemisphere affairs. Since its creation in 1948, the OAS has adopted several instruments that have become the normative basis for protection and recognition of human rights, the establishment of obligations and the bodies to oversee compliance. The current system formally commenced with the Ninth Conference of American States, when member states adopted the original OAS Charter and the American Declaration of the Rights and Duties of Man, the world's first international human rights instrument of a general nature. It was approved approximately eight months before the UNDHR was created (Inter-American Commission on Human Rights, Basic Documents,

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OAS). It set forth civil and political rights, including the freedoms of expression and the dissemination of ideas. The American Declaration of the Rights and Duties of Man was not legally binding for participating countries, but rather an effort to integrate modern human rights into legislative developments in the Americas.

The Declaration was later superseded by the legally binding American Convention on Human Rights (ACHR), signed in 1969 and ratified by most countries in the Americas by 1978, including Argentina and Chile. This international treaty not only establishes the obligations of OAS signatories, it also expands on the definition of concepts like “freedom of expression” and “freedom of the press.” Article 13 not only includes language on freedom of expression that mirrors that of the UN’s ICCPR, but also highlights the importance of preventing prior censorship in most circumstances and bans using indirect methods or means to do so, such as the abuse of government or private controls over media (*OAS, 1969*).

The bodies responsible for overseeing ACHR compliance are the IACHR and the Inter-American Court of Human Rights. Among its functions, the Commission is tasked with receiving, analyzing and investigating petitions alleging violations of the rights outlined in the international treaty. It also is responsible for recommending to OAS member states measures that help protect human rights and for submitting cases to the Inter-American Court of Human Rights. The Court functions as an autonomous judicial institution whose role is to apply and interpret the ACHR. It has both a judicial function and an advisory role, monitoring member states’ compliance with their obligations and issuing legal rulings and recommendations (*Cerna, 1996*).

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Below are the core provisions in the Inter-American treaties pertaining to this research. Legal Case 1: *Kimel v. Argentina*; Case 2: *Editorial Río Negro S.A. v. Province of Neuquen*; and Case 3: *Claude Reyes v. Chile* (see Annex C) provide cases and rulings related to news media freedom relevant to international treaties, demonstrating the extent to which courts have upheld them as constitutional rights.

### **American Declaration of the Rights and Duties of Man**

#### Article 4: Freedom of investigation, opinion, expression, and dissemination:

This article calls for every individual to have “the right to freedom of investigation, of opinion, and of the expression and dissemination of ideas, by any medium whatsoever.”

### **American Convention on Human Rights**

#### Article 13: Freedom of thought and expression. Ban on censorship or restriction by indirect methods or means:

This article stresses that everyone has the right to freedom of thought and expression, which “includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one’s choice.” It also highlights the importance of preventing prior censorship, except when it has been established by law that non-censoring violates the rights of others or protects issues such as national security and public health. Specifically addressing freedom of the press, this article adds a ban on using “indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by

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any other means tending to impede the communication and circulation of ideas and opinions.”

*Article 14: Right to rectification or reply:* This right focuses on the defense of honor, stating that when a person is injured by false or offending information, they may request a response or rectification in the same news outlet.

### **OAS Declaration of Principles on Freedom of Expression** *(Derived from Article 13 from the American Convention of Human Rights, OAS)*

This Declaration, which shares its foundations with the ACHR, highlights freedom of expression as a fundamental right recognized and protected by nations. The OAS defines the role of the instrument as such: “This declaration constitutes a basic document for interpreting Article 13 of the ACHR. Its adoption not only serves as an acknowledgment of the importance of safeguarding freedom of expression in the Americas, but also incorporates international standards into the Inter-American system to strengthen protection of this right.” Hence, it reconfirms this right as a requirement for the development of democratic life, taking particular care to protect both the right to express opinions and the right to receive information through any media or format.

It also bans state monopolies of news media to protect the role of media in monitoring state powers, which it recognizes as one of its primary functions. In addition, the Declaration protects the secrecy of journalists’ sources of information, with the understanding that demanding this information is an

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excessive requirement restrictive to the exercise of freedom of expression. Finally, it tangentially addresses access to public information, establishing it as a fundamental right for individuals and an enduring government duty, as well as limiting exceptions to this access to matters of evident institutional significance, such as national security.

### 5.2.3 The Role of the Inter-American Court of Human Rights

The ACHR established the Inter-American Court of Human Rights (IACHR) in 1969. However, the IACHR did not become active until approximately nine years later, when the Convention entered into force. The Convention authorizes the Court to review legal cases submitted by the IACHR and the member states that signed the ACHR. The IACHR's jurisdiction is thus legally binding only for nations that have ratified the international treaty and have chosen to recognize the Court's competence (*OAS, 1969*), as did Argentina and Chile. Its advisory function enables member states to consult the Court regarding the interpretation of the American Convention or other treaties concerning the protection of human rights in the Americas. It can also issue an opinion on any domestic laws or treaties concerning the protection of human rights, if requested by a member state.

The Court has confronted various issues over the years, including freedom of expression and due process. It has been active in developing the obligations of member states to conform domestic legislation to the American Convention. It also has helped established a hemispheric narrative on the relationship between democracy and human rights, condemning



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member states that abandon these principles. This proactive approach contributes to consolidation of the system's legitimacy as a promoter of democracy and fundamental rights and freedoms in the Americas (*Grossman, 2008*).

Its role on issues like freedom of expression and freedom of the press grew more prominent once most Latin American countries transitioned to democracy. Before that, during the years of prevalent military rule in the region, its primary focus was on gross human rights violations and disappearances. The IACHR started moving the needle on freedom of expression, freedom of the press and access to information just after the turn of the century, when it began rendering decisions on individual cases regarding Article 13 of the ACHR (*Bertoni, 2009*). It took on some high-profile cases, their rulings on which set precedents and demonstrated that the Court was an institution that media groups could turn to for a fair hearing.

### 5.2.4 Section Conclusion

The international norms outlined in the Inter-American system and the role of the IACHR are fundamental in advancing issues like freedom of expression, freedom of the press and access to information in Latin America, especially in democratic countries. The Court's emerging jurisprudence within the Inter-American system directly affects countries on a domestic level, as evidenced by changes in national legislation and court decisions in compliance with the standards established in international treaties (*Bertoni, 2009*). Its rulings have demonstrated how the rights delineated in

international instruments have migrated into national law. Legal cases *Kimel v. Argentina*; *Editorial Río Negro S.A. v. Province of Neuquén*; and *Claude Reyes v. Chile* (see Annex C) illustrate decisions that defended news media freedoms, influencing changes to the criminal code regarding the decriminalization of libel and defamation, and the condemnation of discriminatory use of state funds to influence editorial coverage, as well as access to information. Decisions of this nature also serve as a catalyst for news media freedom because they signal journalists and news media outlets that they can count on an international, nonpartisan mechanism even when legal means in their own countries fall short.

### 5.3 General Legal System of Argentina

This section provides details on Argentina’s legal system, focusing on areas of the Constitution and laws relevant to news media freedom. The Argentine legal system is based on common law, with legislative authority stemming from the “pyramid of constitutionality” or “Kelsen’s pyramid.” In this system, the National Constitution is at the top of the pyramid, with the legal system based on regulations issued by the constituent body that, in turn, gives them validity (*Kelsen, 1967*). The international human rights treaties cited in this chapter obtained constitutional status after being ratified by the National Congress. At subsequent levels come international treaties that do not have constitutional status but are considered binding law, followed by laws passed by the National Congress, and then decrees issued by the executive branch.

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Rulings by individual court cases are found at the base of the pyramid. Although they have the force of law for the parties involved in the case, their enforceability is not general, but case-specific. These court rulings can, but do not have to, serve as precedent in similar cases. A judge in a subsequent case may have a different interpretation of the law and come to a different decision. A special exception is given when the National Supreme Court of Justice issues a relevant ruling because, although it is not mandatory for the lower courts to apply it in other cases, it does provide guidelines for judges and may require legislation to modify the laws.

### 5.3.1 Constitution of Argentina

The National Constitution of Argentina recognizes freedom of speech and expression. It contains declarations and statements establishing legal principles and fundamental rights, such as the right to publish ideas without prior censorship, and the prohibition on passing laws limiting press freedom (*Constitution of the Republic of Argentina, 1994*). It also provides guarantees, which is how these rights are ensured (*Bidart Campos, 1984*). In addition, Article 75.22 of the Constitutional reform of 1994 endows international human rights treaties, including the ACHR, with constitutional standing. Among the recognized rights in the human rights treaties are freedom of expression and all the rights that stem from it, including freedom of the press. The treaty, and by default the National Constitution, recognize this as a necessary right intimately related to developing a democratic society.

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Articles 14, 32 and 43 of the Constitution have a direct bearing on this study. Case 4: *Editorial Perfil S.A. & others v. Estado Nacional*; Case 5: *Arte Radiotelevisivo Argentino S.A. v. Estado Nacional*; and Case 6: *Silvia Baquero Lazcano v. Editorial Río Negro S.A.* (see Annex C) are examples of cases and rulings related to news media freedom relevant to the listed constitutional articles and media-related laws, demonstrating the degree to which the courts have historically upheld constitutional rights.

Article 14: Freedom of the press and freedom of expression. Ban on prior censorship: The Constitution recognizes freedom of expression as a fundamental human right. The Supreme Court has supported this right and interpreted it broadly over the years. Freedom of expression covers, among other things, freedom of thought, worship, press and opinion. It includes the freedom to hold opinions without interference and seek, receive and impart information and ideas through any media, including oral, written and audiovisual.

Article 32: Right to freedom to print: Added in 1960, seven years after the Constitution was written, this article states “Congress shall not pass laws restricting the freedom to print.”

Article 43: Act protecting the secrecy of journalistic sources: This article, added during the 1994 constitutional reform, guarantees the confidentiality of journalistic sources. It was left to Congress to create regulations for the rights outlined in this article, but they could not, under any circumstances, violate the guarantee mentioned above. This is crucial to freedom of the

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press, as protecting informational sources is essential to the work of journalists.

### 5.3.2 Media-Related Laws in Argentina

Media-related laws in Argentina support news media freedom and freedom of expression. This is reflected in the principles outlined in the National Constitution and specific laws that form part of the country's regulatory and legal framework. With international human rights treaties having constitutional priority, domestic law also cannot trump an international norm, and certain international human rights norms stand on par with the Constitution itself (*Levit, 1999*). Furthermore, Argentina's criminal code has decriminalized libelous and defamatory expressions related to the public interest (*Bertoni & Campo, 2000*). This hierarchy helps local laws harmonize with international treaties. Court rulings can refer to language in international treaties if domestic laws lack clarity on a given topic. In addition, plaintiffs also can appeal to international bodies if they believe a local court ruling violates any of the rights listed in the treaties Argentina has ratified.

Following are Argentina's national laws and decrees relevant to this study.

*Law No. 26,032: Internet service (Passed June 16, 2005)*: Article 1 states that "The search for, receipt of, and dissemination of information and ideas of all kinds, through internet services, is considered to fall under the constitutional guarantee of freedom of expression." This is relevant to digital news media freedom as it protects the right to publish content online.

Law No. 26,551: Amendment to the criminal code (Passed Nov. 18, 2009):

This law amends Articles 109 and 117 of the criminal code to eliminate criminal sanctions for false accusation and slander, replacing them with monetary fines. The amended crimes are regulated under Title II – Offenses against Honor. False accusation consists of the “accusation of a natural person of committing a specific and detailed offense that resulted in a public lawsuit” (*Committee to Protect Journalists, 2016*). This crime can no longer result in criminal charges but is now limited to monetary fines between \$3,000 and \$30,000 Argentine pesos. Slander, which implies intent to dishonor or discredit a person, can only lead to fines between \$1,500 and \$20,000 Argentine pesos. These amendments stemmed from the Inter-American Court of Human Rights ruling in the case of *Kimel v. Argentina* (see Annex C).

Law No. 26,522: Audiovisual Communication Services (Passed Oct. 10,

2009). Updated by Decree 267/2015: The Audiovisual Communication Services Law established a new licensing framework to govern Argentina’s radio and television media. Article 45 set a limit on the number of radio frequencies and cable and broadcast TV licenses any one company or person can own. Article 161 established divestiture procedures, stating that any company that exceeded the number of permitted licenses had a one-year period to sell, divide or reformulate their business to comply with the law. The law also allocated airspace for national universities, churches, community associations and indigenous peoples, exempting them from the obligations that must be met by entities that are not state-owned.

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Some sectors initially supported the drafting of this law, in part because the existing law at the time was a relic from the military dictatorship era. Many who supported greater media diversity applauded the breakup of private media monopolies that reduced market concentration. However, critics have pointed out that Article 45 was primarily written to target Grupo Clarín S.A. (*Romero & Schmall, 2012; Carroll, 2009*), the country's largest and most influential media group. At the time, the media conglomerate owned the country's leading cable television operator, its most-read newspaper, the most popular radio stations, and the two television channels with the widest audiences. Grupo Clarín, whose holdings exceeded the number of permitted licenses, questioned the constitutionality of the law.

The media conglomerate argued that limiting the number of licenses jeopardized its economic sustainability, which implied an indirect restriction on its freedom of expression. Congress passed the law in October 2009, but various injunctions and court rulings went on for four years until the Supreme Court of Justice ruled the law constitutional in October 2013. The Supreme Court ruled that the law did not affect freedom of expression and declared that the impairment of economic rights was not unconstitutional in this case. It stated that the objective of the law is to maintain a plurality of voices and that the state thus has the right to set limits on media concentration, as long as this does not affect the existence of companies in the sector. A vital issue in the decision was the distinction made between profitability and sustainability. While acknowledging that the law could affect the profitability of companies, which were given the right to make an economic claim for any losses, the Court stated there was no proof that de-

concentration would jeopardize their ability to do business. Therefore, their freedom of expression was not compromised (*Becerra & Mastrini, 2014*).

The Supreme Court also stated that, unlike the 2007 case *Editorial Río Negro v. Neuquen* (see Annex C) regarding the government's discriminatory practices in allocating state advertising, this law does not violate the Constitution because it does not treat this plaintiff differently than any other group. Notably, the Court left an opening to enable legal challenges to the law. It stated that its constitutionality rested on the premise that it would promote freedom of expression, and it could be invalidated should the government employ discriminatory practices when providing state advertising or fail to guarantee an independent controlling authority (*Otis, 2015*).

While for some the law did not profoundly affect Grupo Clarín, which maintained its dominant market presence and an editorial line critical of the government, critics point out that the law's implementation sought to increase the number of private media outlets subsidized by government advertising and punish opposing voices such as Grupo Clarín (*Otis, 2015*). The government that supported the law lost power in the next presidential elections, and the new administration issued decrees that reversed substantial portions of the law (*Freedom House, 2017*).

*Law No. 27,078: Digital Argentina. Information and communication technologies (Passed Dec. 18, 2014). Updated by Decree 267/2015:* This law regulates the provision of technological services, network neutrality and open competition. It states that its purpose is to strengthen the human right



## Chapter 5 | Assessment of the Legal and Regulatory Frameworks

to communications and telecommunications, encouraging the societal functions these technologies provide while ensuring universal service and affordable quality access. The law establishes the principles, requirements, conditions, forms and grounds for expiration of licenses granted by the state in its role as administrator.

Executive Decree 267/2015: National Communications Entity (ENACOM) Passed Jan. 4, 2016: This Decree establishes ENACOM as the new enforcement authority, replacing the Federal Audiovisual Communication Services Authority (*Law No. 26,552*) and the Federal Information and Communications Technology Authority (*Law No. 27,078*). It also transfers all personnel, property, budget, assets, patrimony, rights and obligations to the new entity (*Article 25*) and includes the modifications described in the laws mentioned above.

Furthermore, it creates the Federal Communications Council (*Article 15*) and the Federal Council of Telecommunication and Digitalization Technologies (*Article 85*) within Law No. 26,522 and Law No. 27,078. Finally, it orders the creation of a bicameral commission to promote and monitor audiovisual communications, telecommunication and digitalization technologies.

Law No. 26,982: Value Added Tax law modification: Newspapers, magazines, and periodicals (passed Sept. 25, 2015): This law modifies the Value Added Tax (VAT) law regarding tax rates for certain goods, establishing special, more favorable terms for journalistic publications.

Law No. 27,467: Budget (passed Dec. 4, 2018): When the executive branch submitted the draft national budget law, it included modifications to the VAT law and Law No. 26,982. It listed exemptions from tax payments and granted benefits in tax credits (*Articles 90, 91, 92, 93, 94 and 95*). The law includes digital media as subjects eligible for the benefits described, reducing the VAT for digital-only news outlets from 21 percent to 5 percent. During the expert interviews, digital-only news media owners stated that this measure provided more financial solvency, enabling them to conduct their work more effectively.

Law No. 27,275: Right to access public information (Passed Sept. 29, 2016): The law guarantees the effective exercise of the right to access public information. To this end, it defines two mechanisms through which a citizen may access this information: (a) *Passive transparency*, the right to request public information from the obliged entity, and (b) *Active transparency (Title II)*, entities are obliged to facilitate the search for and access to public information through digital media on their official websites.

The regulatory background that preceded the law began with Decree 1172/2003, passed December 4, 2003. It was the first regulation granting free digital access to the Official Gazette of the Republic of Argentina; it also authorized regulations for access to public information under the purview of the national executive branch. It took another 13 years for a second decree to be enacted. It came in the form of Decree 117/2016, passed January 13, 2016. In it, the executive branch orders public entities to make data available to the citizenry. About nine months later, the right to access information law was officially passed.

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This law was a crucial positive step for the media sector. There are compelling reasons for arguing that Freedom of Expression is guaranteed when it includes the right to access public information that governments hold (*Mendell, 2003*). Article 19 of the ICCPR, which champions freedom of expression, expressly states that it includes the “freedom to seek, receive and impart information and ideas of all kinds.” The UN Special Rapporteurs on Freedom of Opinion and Expression have adopted the same approach, asserting that the right to access public information is protected by Article 19 of the ICCPR. The law enables journalists to inform the citizenry regarding public information and better investigate government actions.

### 5.3.3 Section Conclusion

Argentina has developed strong legal protections for freedom of expression and news media freedom. The National Constitution and especially the extensive jurisprudence of its Supreme Court has largely upheld these rights. This was reflected in several court rulings favorable to journalists and news media groups. The Supreme Court also has formulated doctrines that protect journalists from criminal liability for libel and defamation when dealing with information of public interest.

As noted earlier, even Supreme Court decisions are only binding for the specific cases being decided, as rulings cannot be enforced in general. While their judgments can serve as precedent in similar cases, they are not binding in lower courts. However, even when courts issue adverse rulings or contradict rights that affect news media freedom, the plaintiffs can appeal to

the Inter-American Commission and Inter-American Court of Human Rights, which have consistently overturned those cases in their favor.

### 5.4 General Legal System of Chile

This section provides details on Chile's legal system, focusing on sections of the Constitution and laws that are relevant to news media freedom. Like Argentina, legislative legality flows down in "Kelsen's pyramid," with its Political Constitution positioned on top. The legal system is based on regulations issued by the constituent body, which gives them validity. International human rights treaties are also given domestic legal status (*Cordero, 2009*). However, the placement of the treaties in the legal system is not automatic, as it is in Argentina, but is determined by Chile's Constitutional Court based on the individual legal case related to a treaty. Thus, a particular treaty may either be given the weight of the Constitution or simply that of a law. From the Constitution flow laws issued by the National Congress, then decrees issued by the executive branch. Judgments that individual courts render are at the base of the pyramid. Court rulings only apply to the parties involved in the specific case and are not enforceable in general, although they can and usually do serve as a reference.

#### 5.4.1 Political Constitution of the Republic of Chile

Chile's Constitution recognizes the freedoms of speech and expression as fundamental rights. It protects citizen rights to form individual opinions without being subject to prior censorship and prohibits any law from restricting freedom of expression or interfering with the exercise of the right. Article 19 expands on those rights, directly connecting them to freedom of

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the press by explicitly stating that any citizen has the right to operate news media outlets (*Political Constitution of the Republic of Chile, 2010*).

Though Chile ratified the ICCPR in 1972 and the American Convention of Human Rights in 1978, they did not carry much weight at the time because the military regime did not recognize their provisions in national laws. Incorporating international conventions into the domestic legal framework was not completed until April 1989, amid the country's transition to democracy. Chile also recognizes the competence of the Human Rights Committee in Article 41 of the ICCPR and the Optional Protocol to the Covenant. Both treaties were ratified in 1992.

Constitutional Article 19 has a direct bearing on this study. Case 7: *Cordero v. Lara* and Case 8: *Dimter v. Bonnefoy* (see Annex C) are examples of cases and rulings related to news media freedom relevant to the listed constitutional articles and media-related laws, demonstrating to what extent the courts uphold constitutional rights.

Article 19, Item 12: Freedom of expression and information. Prohibition on prior censorship. Freedom of press: This Article defines an individual's ability to inform, hold opinions and, in a broader sense, express themselves through any medium, without government authorization or prior censorship. It also gives everyone the right to establish and operate news media outlets. The ban on prior censorship is understood to be at the core of the right to freedom of expression and communication, representing an anti-interference guarantee on information diffusion. Freedom of the press, for its part, is regarded as the operational aspect of freedom of expression, recognizing an

individual's right to inform others via journalistic publications and owned news media in general.

In the same vein, Article 19 expressly prohibits state news media monopolies, emphasizing the importance of a plurality of opinions. It also provides the right to correction for those offended or aggrieved by false information communicated by the media. The correction must be issued via the same news media outlet that published the offending information or statement and must be published free of charge to guarantee that any citizen may exercise this right. The article also recognizes the right to honor, reputation and privacy, explicitly making defamation a criminal offense. However, it also provides details that could safeguard that right from being inappropriately used against journalists, leaving that to the courts to determine.

### 5.4.2 Media-Related Laws in Chile

Chilean media laws generally support freedom of the press and freedom of expression, as reflected in both the principles outlined in the country's Political Constitution, explained in Section 5.4.1, and specific laws that comprise the relevant part of its regulatory framework. Furthermore, important international human rights treaties have significant standing in the country's constitutional framework, preventing domestic law from trumping international norms. Thus, many international human rights norms are on par with the Constitution itself. Their clear place in the hierarchy facilitates aligning the country's local laws with human rights principles. Should a domestic law lack clarity on a related topic, court rulings can refer to

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language in international treaties. As a result, plaintiffs can appeal if they feel a local ruling violates rights listed in the treaties Chile has ratified.

Protecting the rights to honor, reputation and privacy make defamation a criminal offense, creating a loophole that could potentially impact journalists' work. The legal framework protects a journalist investigating corruption allegations against a public official if those allegations are proven to be true but does not protect a commentator who reveals information about an official's private life. In such a case, the person accused of publishing what would be considered defamatory information must prove their allegations are a matter of public importance. No cases have yet charged journalists on those grounds, but as evidenced in the *Cordero v. Lara* case (see Annex C), it is an area with potential loopholes detrimental to news media (*Human Rights Watch Report, 1998*).

Following are Chile's national laws and courts case rulings relevant to this study.

*Law 19,733: Law on freedom of opinion and information, as well as the exercise of journalism (passed May 18, 2001)*: In Article 1, this law establishes the right to express opinions and report, without prior censorship, as a fundamental right for all persons. It also establishes the right for all natural or legal persons to create, establish, operate and maintain news media outlets and be informed.

Article 2 defines a "news media outlet" as those media suitable for transmitting, divulging, disseminating or propagating content, sounds or images periodically, regardless of medium or device used. This article's

content has been applied to digital news media, although it is not explicitly mentioned.

Article 7 establishes the right to not reveal sources of information. Article 9 provides for the principle of reciprocity related to granting telecommunication licenses. Article 16 establishes the right to clarification and rectification, free of charge, by the same media that issued the offending information.

*Law 20,285: Access to Public Information Law (passed Aug. 11, 2008):* This law establishes the principle of transparency relative to public services and guarantees the right to access public information. It also establishes procedures for requesting information, for officials to file objections should they wish to do so, for resolving disputes, and making the required public information available. It also describes penalties to be applied in cases of noncompliance. The Access to Information Law (informally known as the “Transparency Law” to emphasize its purpose) stemmed from the Inter-American Court of Human Rights case of *Claude Reyes and others v. Chile* (see Annex C).

The law defines two mechanisms through which a citizen can access information. *Active transparency* (Transparency Act – Title III) directs state administrative bodies to provide up-to-date information to the public, at least once a month, regarding their organizational structures, powers, functions, duties, applicable regulatory frameworks, staffing levels and more through their websites. *Passive transparency* (Transparency Act – Title IV) allows citizens to access public information by request from state entities.



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Law 18,168: General Telecommunications Law (passed Sept. 15, 1982):

This law primarily covers technical aspects and requirements related to telecommunications services. Article 24 establishes the principle of neutrality, punishing actions that hinder or impede legitimate access to telecommunication services.

Law 20,453: Modification to the General Telecommunications Law (passed Aug. 18, 2010):

This amends the General Telecommunications Law, which includes Article 24, establishing the principle of network neutrality for internet users and consumers. It prohibits the blockage, interference, discrimination, hindrance and arbitrary restriction of the right of every internet user to access, send, receive and offer content through this medium. The amendment also prohibits limitations on user rights to use any type of device and content that does not cause damage or injury to the network or the quality of internet service. It also establishes that any actions taken to limit network neutrality should be sanctioned by the Undersecretary of Telecommunications, under Chile's Ministry of Transport and Telecommunications.

Law 20,433: Creation of citizen community radio services (passed April 25, 2010):

This law establishes that legal entities that are nonprofits or of general interest may offer community radio services. The purpose of the law is to guarantee the transmission of public-interest issues via radio.

### 5.4.3 Section Conclusion

Chilean law has developed a robust framework for upholding the rights to freedom of expression and news media freedom, with even its local courts

often defending these rights. Chilean society and political culture also provide institutional support for the legal system. A key piece of evidence is that most cases have resulted in favorable outcomes for the news media in question. Furthermore, regional instruments such as the Inter-American Court of Human Rights play a significant role in aligning international norms with the country's national framework, as evidenced by the ruling that gave rise to the country's Law on Access to Public Information.

### 5.5 Main Similarities and Differences Between the Legal Frameworks

Both countries have legal frameworks that reflect international standards, values and norms regarding freedom of expression and news media freedom. Yet, there are subtle differences in their respective laws, starting with when each country's constitution was updated. Chile's was modified in 2010, so it is much more detailed and explicit in supporting these freedoms than Argentina's, which was last modified in 1994. Chilean law also has more built-in accountability, with public officials who fail to perform specific duties related to providing access to information in a timely fashion being subject to fines. While it has many of the same protections, Argentina does not have a similar penalty system. Finally, Argentina decriminalized libel in its penal code, whereas Chile has not yet done so. Chilean journalists have not been charged using this law, but it is a potential risk for news media. Each of these points, along with their similarities, are examined in detail below.

The laws in both countries have conceptual similarities in terms of the principles governing protections for news media, freedom of the press, and

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freedom of expression. However, provisions of the Political Constitution of Chile regarding freedom of expression as it applies to news media are more detailed than is the National Constitution of Argentina. Chile established a series of provisions explicitly designed to prohibit prior censorship, limit state monopolies in news media and guarantee press freedom. Argentina's Constitution also refers to these concepts, but in less detail. As noted above, the Argentine Constitution was last modified in 1994, while the Political Constitution of Chile was amended in 2010, and a new one is currently being drafted. As such, Argentina's lower level of specificity relative to these rights is not surprising.

Another similarity relates to each country's laws on access to public information. Both legal systems have specific laws relating to public information and citizens' free access to it, providing both active and passive alternatives in exercising that right. To this end, each government is required to make relevant information available, both voluntarily and upon request, unless it is classified as secret. This obligation to make public information accessible has two aspects: First, by law it requires authorities to respond to information requests made by individuals (passive), and second, it obligates authorities to publicize state acts (active). In addition, both legal systems provide processes for petitioners to access data and information they consider relevant, with Argentina's law more precisely detailing these processes than does Chile's. Furthermore, laws in both countries establish specific bodies to ensure the availability of information and resolve disputes related to access requests.

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While similar, there are two key differences in the countries' access to public information laws: (1) When they were enacted, and (2) Accountability of public officials responsible for compliance. Chile's Law of Transparency and Access to Public Information was passed in 2008, while it took Argentina eight more years to pass its Law on Access to Public Information in 2016. This difference probably influenced the ability of journalists to access and report on state information during the 2000–2015 period studied. In addition, once a law is passed, it takes considerable time to train public officials responsible regarding their new obligations and how to manage citizen requests.

This is relevant to this research because access to information is connected to freedom of expression, which includes the right of every individual “to seek, receive and impart information and ideas of all kinds” (*Article 19 of the ICCPR*). This, in turn, enables journalists to obtain information from public authorities and report on it. In fact, the right to access information first was given formal international legal recognition as a result of *Claude Reyes and Others v. Chile* (see Annex C), a case presided over by the Inter-American Court of Human Rights.

In the realm of accountability, a key difference between Argentina's and Chile's access-to-data-and-information norms is that Chile has established an autonomous regulatory framework for sanctions, without prejudice, relative to legal claims. These sanctions can be applied to the salaries of civil servants who do not comply with requests for information in the appropriate period or form. In Argentina, there is no sanctioning system described. The general legal system treats these cases as breach of duty by a public servant,

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which can potentially carry criminal charges, but there is little evidence of its use. The specificity of Chile's monetary sanctions for public servants who do not promptly address requests for information is central to the efficiency of this service's implementation. This is important, because requiring public officials to comply with normative access-to-information practices facilitates journalists' investigative research, which may require prompt access to public information.

In terms of the principle of network neutrality, both countries have similar legal frameworks. They establish protections for internet content producers and consumers as a foundational pillar. This, in turn, ensures free access to the service, which has resulted in its democratization.

One difference lies in how each country treats libel in its legal framework. Argentina has decriminalized libel and defamation in its penal code, limiting sanctions to monetary fines. Chile has not, as it has prioritized the right to privacy in its laws. While these laws have not been used in cases affecting news media freedom, watchdogs nonetheless consider it a potential threat because libel lawsuits can be used as a harassment tool.

The degree of similarity between two democracies ranked in the "Free" category is not surprising. Both countries' legal frameworks emphasize freedom of expression, freedom of the press and a ban on censorship. The laws are also explicit relative to the protection of journalistic sources and the right to access public information. Moreover, each nation maintains active participation in the international community, signing and ratifying

international human rights treaties, recognizing these rights in their domestic laws, and basing their court rulings upon them.

### 5.6 Conclusion

The legal and regulatory frameworks in both case study countries support a basic set of rights that guarantees freedom of expression and protects news media freedom—international principles that are upheld by their constitutions. Both countries have also signed and ratified international treaties such as the ICCPR and ACHR, which define the rationale for and parameters of these citizen rights. The treaties have been given lawful domestic status at the top of both countries' legal hierarchies.

This, in turn, has led to laws mostly respecting those rights. In a few cases lower courts have issued rulings adverse to journalists and media groups, but in those cases, national or international legal action has usually corrected those aberrations and defended freedom of expression and freedom of the press. The Inter-American Court of Human Rights serves as a safeguard mechanism that journalists and news outlets can and do look to when all national legal options have been exhausted. The Court's rulings consistently favor the media, removing penalties. Local courts accept these international rulings.

The strength of the legal framework also increases access to public information, which, as argued earlier in this chapter, is an essential component of news media freedom. Latin American countries are in the vanguard of the developing world in incorporating access-to-information laws into their legal frameworks, with Chile being among the first nations

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to do so (*Orme, 2017*). Its Access to Information Law has been widely lauded. Furthermore, the Chilean government prioritizes its enforcement, imposing monetary fines on public officials who do not comply with citizen requests. Argentina made an early attempt to do the same via a decree in 2003, but a law did not pass until 2016. To attempt to make up for lost time, it tapped the former OAS Rapporteur on Freedom of Expression to oversee the law's implementation. Regional institutions like the OAS are also pivotal in advancing freedom of information laws. It provides technical advice to countries and has drafted a "model" access-to-information law to serve as a reference (*Orme, 2017*).

The conclusions of this review are compatible with the findings from the survey conducted with journalists from both countries and the in-depth interviews with subject-matter experts. Legal means used against news media by democratic governments with free and partly free media environments can represent obstacles, but do not appear to be the critical factor in curtailing news media freedom. The findings also differ from Freedom House's external expert assessments, which helped establish the Freedom House Press Freedom Index. Those experts consider the legal environment to have a substantial impact on news media freedom in both countries, giving it equal weight with the political and economic factors. The results of this research tip the balance in a slightly different direction: Most survey respondents, as discussed in Chapter 4, and experts interviewed, as discussed in Chapter 6, highlight economic pressure tools and harassment techniques as the core instruments influencing editorial content decisions, and as a result, media freedom.

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Chapter 6 examines these issues in the context of both countries, shedding light on the areas where these two case study countries start showing different outcomes that influence their levels of news media freedom. This helps better understand the mechanisms and tools young free democracies use to impact news media's editorial lines.





# **6 MAIN INSTRUMENTS CURTAILING NEWS MEDIA FREEDOM IN DEMOCRACIES**

## Chapter 6 | Main Instruments Curtailing Media Freedom in Democracies

### 6.1 Introduction

Many forms of government employ a variety of means to restrict news media freedom (*Gehlbach & Sonin, 2014*). Unlike in authoritarian and illiberal regimes, it is not possible in free democratic societies for a government to apply direct control methods, such as physical intimidation or assault. It also is challenging for democratic governments to repeal laws guaranteeing freedom of expression, freedom of the press, or access to information, as reflected in both the survey results (see Chapter 4) and the legal and regulatory review (see Chapter 5). Instead, the survey findings in Chapter 4 show that young democracies that aim to curtail press freedom seem to focus on using more subtle, indirect, and often difficult-to-detect instruments.

Following the survey and legal review, a series of expert interviews corroborated earlier findings and produced more detailed information on this subject. This chapter provides in-depth analysis of the information gathered from the expert interviews, which identified the main pressure instruments used to influence news media freedom in the two young democracies. Those interviews highlighted the factors that help explain their differing levels of news media freedom. The survey results also helped shape the guide (see Annex D) for the semi-structured interviews with knowledgeable informants, which enabled further exploration of these categories.

To ensure that various perspectives on the research topic were obtained, 70 subject-matter experts from a range of societal sectors were interviewed. This included 11 academics, 10 business executives, 11 government officials, 16 journalists, 7 media owners, 11 representatives of local NGOs,

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and 4 representatives from international watchdog organizations that monitor press freedom issues. These individuals were selected based on their extensive knowledge of news media freedom issues in the two young democracies. They also either had firsthand experience with interactions between the government and news media, or closely monitored these interactions from a professional perspective. Their diverse backgrounds provided a range of viewpoints on the study topic.

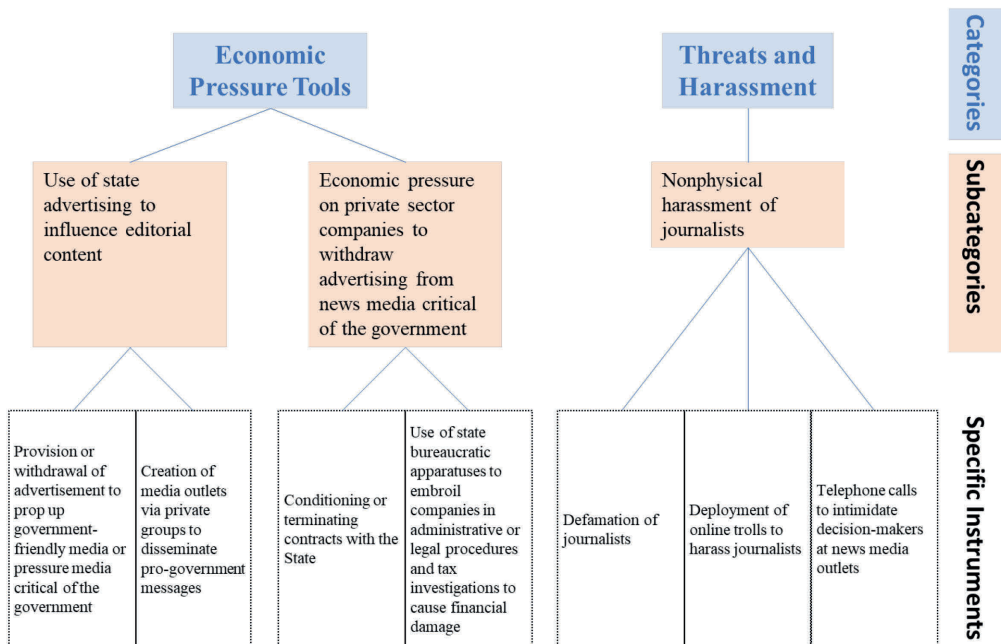
The interviewee responses were organized into the main categories and subcategories of pressure instruments, with specific instruments placed within each category. To hedge against biases in the interviews, the study identified areas of consensus among individuals from various societal groups and sectors, with diverse political and economic interests. Triangulating interview findings with the survey data, the legal and regulatory analysis, and desk research of reports related to news media freedom also helped validate information from interviews while minimizing biases in the results.

Findings from the in-depth interviews built on survey data and identified two major categories of government pressure instruments that can be used by young democracies attempting to limit press freedom: Economic pressure tools, and Threats and harassment. Interview results also inform each main category, ultimately identifying the most prevalent specific instruments employed by governments. Section 6.2 and 6.3 will break down the mechanisms of economic pressure, which are divided into two subcategories: Use of state advertising to influence editorial content, and Economic pressure on private sector companies to withdraw advertising from news media critical of the government, each comprising specific

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pressure instruments.<sup>14</sup> Section 6.4 will address threats and harassment, which focuses on the subcategory of nonphysical harassment of journalists. It looks at specific instruments governments used to harass journalistic critics to influence editorial content. The order in which categories are presented does not reflect their levels of influence. Section 6.5 provides a discussion on this topic and the political context of the case study countries.

Figure 8: Main Pressure Instruments Identified in this Research



Note: Also see Annex E

14. After analyzing the in-depth expert interviews, it was evident that one of the economic subcategories identified during the survey: “Government exerts economic pressure on private internet service providers or mobile operators to influence their news distribution” was not an instrument employed by governments to limit news media freedom. When questioning the discrepancy, it became clear that journalists who participated in the survey lumped the topic into “pressuring companies.” The overwhelming responses during the interviews said that it did not apply to this subgroup and did not perceive government pressure against them in either country.

### 6.2 Economic Pressure Tools: Use of State Advertising to Influence Editorial Content

This section, which examines the use of government economic pressure instruments on media, focuses on one of its subcategories: *Use of state advertising to influence editorial content*. It first provides an overview of the extent of government advertising and analyzes both cases to deepen understanding of the use of instruments, as well as the differences between the two countries. It then delves into the specific instruments that make up this subcategory: Provision or withdrawal of advertising to prop up government-friendly media and pressure news outlets critical of the government; and Creation of media outlets via private groups to disseminate pro-government messages.

This analysis focuses on the amount of government advertising, its arbitrary allocation to news media outlets, the motivation behind those government decisions, and the level of transparency in the process. It explains how a government's discriminatory and arbitrary allocation of state funds through advertising is an indirect mechanism that hinders freedom of the press.

#### 6.2.1 Extent of State Advertising in News Media Outlets in Argentina and Chile

State-funded advertising is a valuable tool for communication between states and their populations. It should therefore be of value to the public and not used to promote the interests of political parties or a specific government (*Association of Civil Rights, 2006*). According to the IACHR (2004), state funds used for advertising include all paid advertising placed in print media,

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radio spots, television broadcasts, brochures and videos produced or sponsored by the state, as well as any material or content paid to be published online.

State-funded advertising can serve citizens by, for example, raising awareness of a vaccination program or being transparent by announcing government-contract bid solicitations or job openings in public agencies. These advertisements can result in substantial revenues for news media outlets. A problem arises when these funds are either paid to a news outlet by the government in return for favorable news coverage or withdrawn from a news outlet because its editorial content is critical of a government policy. Reviewing spending trends in government media advertising is a good starting point for studying this subject (interview with ID#1 & ID#4).

### **Argentina**

Government advertising in Argentina significantly increased during much of the period covered in this research (see Annex F) (*Crettaz, 2019*). Using state funds to pay media for government advertising was not new, but the steep increases during the period studied were unprecedented. Expenditures notably started increasing in 2003 and continued their upward trajectory for more than a decade, rising in 2015 to more than 16 times the 2002 estimates (*Crettaz, 2015*). During this period, the Argentine state became the leading national media advertiser in the country. Estimates of the government's advertising accounted for 9 percent of total national media advertising, almost doubling the leading individual private advertiser (*Becerra, 2011*).

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The national government's advertising strategy also was implemented at the provincial and municipal levels. Advertising outlays in the regions derived not only from local government coffers, but often directly from the federal government. This use of federal funds in the provinces was designed to "circumvent local authorities not politically aligned with the national government" and make local publications reliant on the national government (interview with ID #34). Government media advertising numbers are estimated to be even higher than reported, given the state's capacity to also expend advertising funds via state agencies and state-owned enterprises whose budgets are often not included in budget figures of the national government (interview with ID #1). Particularly relevant here is that state entities' often lack autonomy from the federal government in deciding where to place media advertising funds, and that there is an overall lack of transparency in how the state allocates its resources (interview with ID #2).

### Chile

In contrast to Argentina, levels of government advertising in Chile were significantly lower during the period studied. The government was not considered an important media advertiser compared to the private sector. Experts interviewed affirmed that government policy, from various sides of the political spectrum, discouraged using state revenue to proactively fund news media outlets. State advertising represented a small fraction of media outlets' advertising revenue, which was not significant in relation to overall advertising revenues (interviews with ID #41 & ID #42).



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The policy of not subsidizing news media with state funds dates to Chile's transition to democracy in 1990. Several journalists with a history of opposing General Augusto Pinochet's dictatorship, by publishing antigovernment content, unsuccessfully tried to obtain financial support from the first democratic government to fund their operations. Previous funding, primarily from international NGOs and church groups, dried up after the democratic transition as those resources were diverted to news media in countries under authoritarian regimes (interview with ID #37).

The new democratic government, although politically and ideologically aligned with most of those left-leaning publications, refused to provide state advertising to fund them because it did not want to set a precedent of media dependence on the government. This was exemplified by the Minister of Communications at the time, who famously said, "Our communications policy is that we will not have a communications policy" (interview with ID #55).

There were those who thought the state should help support media outlets via grants and advertising for public services, to ensure greater media diversity, as the media tended to struggle financially (interviews with ID #37 & ID #63). However, interview findings revealed consensus across expert groups that not being dependent on state funding results in greater editorial independence from the government. In turn, this facilitates the ability to criticize political leaders and investigate public officials without fear of reprisal (interviews with ID #39, ID #41 & ID #61).

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### 6.2.2 Specific Instrument #1: Provision or Withdrawal of Advertisement to Prop Up Government-Friendly Media or Pressure Media Critical of the Government

Unexplained growth in government advertising budgets could merit analysis but considering how those funds are used helps begin to explain their infringement upon press freedom. Findings in Chapter 4 indicated that in the case study with less news media freedom, the government exerted economic pressure on news media by arbitrarily using state funds to influence editorial content. Interviews corroborated this information, identifying “provision or withdrawal of advertisement to prop up government-friendly media or pressure media critical of the government” as a specific instrument in this subcategory. This practice was often facilitated by a lack of transparent criteria for allocating state funds, which can be an important influence on news media freedom (interviews with ID #1, ID #49).

#### **Argentina**

Interview findings showed that the provision of government advertising in Argentina was often arbitrary, opaque and used to disseminate political propaganda. The practice was systematic and an intrinsic part of the government’s strategy to pressure news media (interviews with ID #15, ID #68, &ID# 69). It also went beyond central or provincial government advertising, as state-owned enterprises, such as the state-owned airlines and the National Social Security Administration, were used to funnel funds to publications that supported government policies (*Crettaz, 2015*). Recipients of those funds often argued that their government support was ideological—rather than driven by advertising—and that most critics would likely engage

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in similar practices if the political winds shifted (interviews with ID #10 & ID #26). That position not only implicitly acknowledges the problem but also points to the gravity of it as it implies that the problem is systemic. As a norm, the absence of available guidelines to provide a rationale for the government's decision-making process and lack of transparency in funding allocations were at the center of the problem.

Media outlets receiving state funds tended to provide favorable news coverage and soften their editorial stance. Just as importantly, they did not act as watchdogs over government actions, often neglecting to report on decisions of public interest (interview with ID #14). Some news outlets went further by actively attacking opposition leaders or journalists at other media outlets who were critical of government policies (interviews with ID #7 & ID #28). The government systematically increased its advertising expenditures, allocating those resources based on the editorial support it received from media outlets (interviews with ID #1, & ID #8).

Furthermore, interview findings showed that the state punished media not willing to toe the official line. Authorities often used withdrawal of advertising to pressure media critical of the government. This action, and even the threat of it, indirectly affected news media freedom (interview with ID #4). A report by the Asociación de Derechos Civiles/Open Society Justice Initiative report (2008) found that the government of Argentina “regularly abuses its advertising powers, including through excessive allocations to political favorites and denial of advertising in retaliation for critical coverage.” These types of actions were more evident at the local

## Chapter 6 | Main Instruments Curtailing Media Freedom in Democracies

level, where media outlets depend more on advertising from provincial and municipal governments.

This practice was also reflected in legal rulings by Argentina's Supreme Court and the IACHR. Based on language from ratified international treaties, Argentina's Supreme Court ruled that the Neuquen Province provincial government violated the free speech rights of the daily *Diario de Río Negro* by withdrawing advertising in retaliation for critical coverage. The Supreme Court also ruled in favor of *Editorial Perfil* after it sued the government for withdrawing its advertising in retaliation for critical editorial coverage. As shown in Chapter 5 and reflected in the interviews, court rulings legally protected the media, but sanctions against the national government were poorly enforced (interviews with ID #2 & ID #67).

The interviews revealed that government advertising fell sharply for news media outlets critical of government policies. This was especially true of publications which strongly influence public opinion, such as *La Nación*, *Clarín* and *Perfil* (interviews with ID #3, ID #5, ID #8, & ID #33). In *Perfil's* case, despite the Supreme Court's ruling ordering the government to reverse the arbitrarily withdrawal of all its advertising from the media group because of its critical editorial coverage, the government used technicalities to continue the practice. It restored advertising but decreased the amount by about 87 percent the following year (*Crettaz, 2019*), "eventually continuing to steadily decrease the amount to almost nothing" (interview with ID #9).

Another notable example was the government's relationship with Grupo Clarín, the country's largest and most influential media group. Initially, the

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government not only provided it with generous state advertising funds, but also protected it after it defaulted on its dollar debts following devaluation of the Argentine peso in 2002. The Nestor Kirchner administration then extended the media group's cable television licenses for 10 years and approved a media merger that greatly expanded the company's media assets (*La Nación*, 2012). Not surprisingly, *Diario Clarín*, Argentina's leading daily and strong influencer of public opinion, tended to back the government during that time (*The Economist*, 2006). That friendly relationship started to sour over critical news coverage, then finally broke in 2008, when *Diario Clarín* decided to back widespread protests by soy growers, sparked by a controversial export tax imposed by the government. The outlet's sharp editorials were met with drastic reductions in government advertising, as well as legislation attempting to break up the outlet to destroy it financially (interview with ID #1).

In general, a good portion of news media outlets in Argentina during the period studied reportedly received financing from the government. That practice created a level of dependency that led many online and off-line publications to set editorial tones favorable to the government—or at the very least, decrease their scrutiny of public policies. On the other hand, those news outlets that criticized the authorities saw parts or all of their state advertising withdrawn. The government strongly leveraged this economic tool, making it a lynchpin of its media policy. This subtle but effective method had a direct, negative influence on news media freedom (interview with ID #2).

### Chile

Interview findings from Chile, unlike those in Argentina, did not identify a systematic pattern of government use of advertising funds to influence editorial independence (interviews with ID #38, ID #41 & ID #45). The national government's allocation of media advertising funding was decentralized, as state entities enjoyed autonomy from the executive branch—two important differences between the two countries. As a result, state agencies and state-owned enterprises managed their budgets autonomously, a practice that included decisions about which news media outlet they advertised in (interviews with ID #50 & ID #53).

Government officials responsible for marketing and media at state agencies under multiple administrations had the independence to decide where to place those funds. Technical experts made those decisions following established policies regarding how to spend those funds (interviews with ID #49 & ID #52). Autonomous decision-making and lack of interference from the central government in media advertising are important issues, as media outlets are then able to criticize authorities without fear of financial retaliation from the executive branch (interview with ID #43).

The situation was not as clear in the provinces. Few private companies advertised in smaller publications outside the capital, increasing the dependence of local media on funds from municipal and provincial governments. In specific situations, findings showed that, at times, local authorities provided advertising funds to a media outlet to obtain positive media coverage or avoid scrutiny. However, the issue was neither systemic

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nor supported by federal authorities, occurring only in individual cases at the local level (interviews with ID #62 & ID #65).

While praising the hands-off approach to editorial independence, some experts argued that the state should play a more active role in distributing resources equally among news media outlets (interviews with ID #37 & ID #47). Media concentration in Chile has long been an issue, as many leading news outlets remain in the hands of a few private media conglomerates that receive the lion's share of the advertising pie (Henriquez, 2019). Many experts, however, attribute this allocation to the media's large population coverage, and given that government funds only represented a tiny fraction of their revenues, they did not view it as diminishing their editorial independence (interviews with ID #39, ID #41 & ID #62).

In contrast to Argentina, Chilean interviewees did not feel that the national government engaged in withdrawal of advertising to pressure news outlets' editorial coverage (interviews with ID #38, ID #43). Isolated cases occurred in some provinces, where local authorities used the provincial or municipal government's economic muscle to intimidate media by withdrawing advertisement (interviews with ID #44 & ID #65). This constituted a threat to those outlets, given the scarcity of alternative funding sources in those regions (interview with ID #66). Respondents did state that national policy neither guided nor supported those actions, even in relation to news media critical of the government. However, the national government appeared to have less power or will to require its practices at the national level be carried out by local governments (interviews with ID #49 & ID #65).

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In Chile, the main complaint regarding withdrawal of advertising funds did not involve the state, but rather private sector companies that did not like the coverage of their businesses. The issue became more complex when those company owners had business connections to owners of major media conglomerates (interviews with ID #43 & ID #63). Media generally felt unafraid criticizing government officials, including the president and armed forces. However, journalists were sometimes careful when writing articles related to large private sector advertisers, because critical coverage could lead to the news outlet losing advertising funding from that source (interviews with ID #62). Even critics of press freedom in Chile agreed that pressure on Chilean journalists came primarily from private companies (*Sapiezynska, Lagos, & Cabalin, 2013*) rather than the government.

### 6.2.3 Specific Instrument #2: Creation of Media Outlets via Private Groups to Disseminate Pro-government Messages

The second instrument related to government advertising identified by interviewees was the use of public funds to indirectly create and sustain private media outlets, via a new ownership group or acquisition. These news vehicles were owned by government-friendly groups willing to disseminate information supportive of government policies. In the case study with a partly free news media environment, many of these owners either had no prior media ownership experience or totally lacked a media background. The government used them as conduits to hide its de facto stake in these news outlets. Business executives served as the owners, but the government often influenced the editorial team responsible for content (interviews with ID #9, & ID #14 and ID #15).



### Argentina

During the period covered by this study, a vast network of pro-government news outlets grew throughout Argentina. Their assets encompassed the entire media spectrum, from TV, radio and print to online platforms of traditional media and new, digital-only outlets. Media owners who oversaw these endeavors were rewarded handsomely. They benefited greatly from government advertising, as well as government contracts given to their other businesses. The result was creation or acquisition of private news outlets that disseminated government messaging to influence public opinion and discredit the opposition.

Key business groups in non-media industries, such as Grupo Indalo and Grupo Electroingenieria, as well as trade union–led Grupo Octubre, emerged with new media assets that produced pro-government messaging (Crettaz, 2015). These media groups were among the top beneficiaries of government advertising from 2010 to 2015, reportedly obtaining hundreds of millions of dollars. In addition, their core businesses received generous contracts from the state to further solidify their support.

Interviews confirmed that in most cases, these owners did not have experience with or interest in making these media houses viable long-term businesses. Their profits were linked to their other business interests. The newly owned media vehicles primarily functioned as surrogates that propagated and reenforced the government narrative. With few exceptions, such as the daily *Pagina 12* and its corresponding online platforms, most of these media outlets no longer exist, have drastically decreased in size, or had

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their assets folded into other ventures once funding dried up following a change in government. In addition, several of the executives were later arrested on corruption charges (interviews with ID #2 & ID #10).

Regarding state-run media outlets, the Argentine government used its resources to control editorial personnel (interviews with ID# 14). Although there was consensus among interviewees that this was done, it was neither new to this era, nor did it have as much influence as the individual instruments described earlier in this chapter. The general population already perceived state-run news media outlets as government mouthpieces. Acceptance of this reality was likely shaped by years of regularly seeing this practice in action, the lack of transparency regarding use of government funds, the failure of national auditing institutions, and a lack of public understanding regarding the government not having the right to use public funds at will without accountability.

The government employed some creative tactics to extend its messaging, such as applying pressure to acquire the broadcasting rights for Argentine football so the matches could be aired on state television rather than on TV channels owned by opposition media groups. By paying almost three times as much for broadcasting rights, the government persuaded the Argentine Football Association to break its contract with the private media outlet that had broadcast its games for almost two decades and sign an agreement with the state-owned television channel instead.

The government then televised all matches for free, which was very popular among citizens—it branded the initiative “Football for All.” It used airtime

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during matches to run political commercials touting its successes and even attacking critical journalists and opposition figures, when it knew it had a large captive audience glued to their television sets and online platforms. Independent media groups criticized the practice as political manipulation of the media. The government justified the move as a popular way to provide free viewing of the nation's most important sport to all Argentines.

### Chile

Based on interviews, the mechanism of providing state funds to indirectly control private media outlets was not evident in the Chilean government's practices (interviews with ID #38, ID #41, and ID #69). This is a point of stark contrast between these two young democracies and their governments' use of economic tools in their relationships with news media. None of the administrations in Chile that governed during the period studied showed any inclination toward engaging in such practices. This was consistent with the non-interference policies implemented by the national government regarding news media (interview with ID #42). As noted in Section 6.2.2, the allocation practices and levels of transparency marked the greatest differences between the two countries.

Furthermore, Chile's state-owned television station had a much greater degree of autonomy than Argentina's. Its biggest challenge was obtaining sufficient funding from alternative sources, as it did not receive enough public funding for its broadcast and online programming (interviews with ID #51 & ID #60). The Chilean government had created a structure in which the national TV station had to compete for advertising funds in the private

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market, which is challenging for a public station. Ironically, this also gave the news outlet a greater level of autonomy, as it did not financially depend on the government to any great degree. While journalists at the state TV channel supported more public funding, they also felt at ease criticizing the government, knowing it was not providing large sums of funding for the news operation (interview with ID #60).

### 6.2.4 Section Summary

Based the findings of this study, one subcategory of economic pressure instruments employed by democracies seeking to encroach on press freedom is the use of state advertising to reduce editorial independence. The two specific instruments discussed in the interviews were: Provision and withdrawal of media advertisement to influence editorial content; and Creation of media outlets via private groups to disseminate pro-government messages. Ultimately, the case study research shows that these subtle instruments exert control over news media, amounting to indirect censorship and eroding press freedom in democratic societies.

Media organizations strongly relying on advertising revenue to operate, creates a potential dependency when the state becomes a primary benefactor. During the period studied, state funds used for advertising significantly increased in Argentina, where press freedom went into a steep decline. However, numbers only tell part of the story, as research results show that a lack of transparency in funding allocation, arbitrary decision-making, lack of autonomy among public entities, and funding conditioned on receiving friendly news coverage all proved key factors in influencing press freedom.

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According to the Reporters Without Borders Media Ownership Monitor Project (2019): “Argentina’s national government provides media companies with the largest amounts of funding, both direct (official advertising) and indirect (such as financial help, loan forgiveness, fiscal and social security debt redemption and license extensions). As a result, the government’s leverage is considerable as it influences most media outlets’ editorial stances, making media owners highly dependent on any changes in government.”

Research shows that news outlets aligned with the Argentine government became more editorially aggressive, while others, not so aligned, moderated their editorial stances to publish favorable coverage or relaxed their efforts to investigate government practices. The outlets ranged from large national media groups to smaller publications based in provinces, the latter becoming dependent on government advertising in the absence of alternative funding sources. The result was that a significant threat to journalistic practice in Argentina arose when the government withdrew advertising funds from news outlets critical of government policies.

Finally, the interviews showed that state funds were also funneled to non-media business groups and trade unions to create private news media outlets. This form of media interference is subtle and hard for the public to detect, given that it uses intermediaries who own other businesses to which the money is diverted. The news coverage in those outlets not only defended government positions but also attacked opposition leaders and journalists (interviews with ID #9 and ID #14).

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The situation in Chile presented a sharp contrast, both regarding the magnitude of government advertising expenditures and government policies and procedures related thereto. Government expenditures during the period studied were lower in Chile than Argentina, with a consistent policy of politically diverse administrations not directing large amounts of funding to media. More importantly, money was allocated through state agencies with autonomous decision-making authority, without noticeable interference from the executive branch. State entities were also required to follow guidelines to publicly post their criteria for distributing funds and provide access to parties wishing to bid for those funds (interview with ID #49).

Interview findings did not identify withdrawal of advertising from critical media as a national government practice in Chile. Journalists interviewed confirmed that news media freely criticized governments without fear of retaliation (interviews with ID #61 & ID #66). There was also consensus that, in contrast to Argentina, government funding for creating and indirectly controlling private media outlets was not evident in Chile.

All these factors contributed to Chile's better news media freedom record during the period studied and its performance relative to news media freedom was better than Argentina's. There was still room for improvement, however. National policies in Chile were not always followed at the provincial and municipal levels, especially in regions far from the capital where the federal government had shown less capacity or willingness to enforce them. Certain governors and mayors also leveraged their local media advertising budgets or political power to directly or indirectly pressure news outlets, especially smaller media operations. Yet this was still better than

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Argentina, which systematically pressured news outlets to propagate government messages, economically rewarded news media that complied and penalized those that criticized its policies. These economic pressure mechanisms at the very least contributed to, if not constituted, significant threats to press freedom.

### 6.3 Economic Pressure Tools: Economic Pressure on Private Sector Companies to Withdraw Advertisement from News Media Critical of the Government

The second subcategory of economic pressure mechanisms that emerged from the survey and expert interviews is economic pressure on private sector companies to withdraw their advertising from news media critical of government policy. The aim was to inflict financial damage to influence editorial decisions. Media operations tend to be heavily dependent on private advertising revenues, as this often represents the principal source of income for news media organizations (*Sehl, Cornia & Neilsen, 2016; Spurgeon, 2008*). Literature reports that growth in the private advertising market makes it more difficult for political groups to pressure media outlets (*Besley & Prat, 2006*), with some going as far as to assert that it promotes media independence (*Petrova, 2011*).

Interview findings show that in Argentina, where there was less media freedom than in Chile, the government influenced editorial content by depriving news outlets of advertising revenues, potentially weakening those outlets financially. This section analyzes two specific instruments under this subcategory that were used against private companies that had business relationships with non-submissive news outlets: Conditioning or

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terminating contracts with the state; and Using the state bureaucratic apparatus to embroil companies in administrative and legal procedures and tax investigations to cause financial damage.

Section 6.2 examined how authorities used government advertising funds as an economic pressure tool to reward or punish news media outlets based on their editorial lines. While that certainly played a significant role, some news outlets strongly relied on private advertising, which theoretically made them less dependent on government funding. Even in Argentina, where government advertising was more than double that of any single private advertiser, state funds represented only nine percent of total national advertising (*Becerra, 2011*). Although those numbers showed significant government economic leverage over media organizations and, thus, potential influence over their editorial positions, it also meant that, theoretically, news outlets had options for nongovernment revenues, as total private sector advertising greatly exceeded state-financed advertising revenue. It is that financial relationship between the private sector and news organizations that the government, in a partly free media environment, sought to interrupt to indirectly undermine news media freedom.

### 6.3.1 Specific Instrument #1: Conditioning or Terminating Contracts with the State

The first instrument in this subcategory focuses on the use of ongoing or future state contracts to pressure privately owned companies that advertise in media critical of the government. It examines how these efforts were intended to prevent private companies from buying advertising on media outlets whose editorial positions did not align with the government narrative.



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Such actions also show how state entities can be subject to executive branch decisions driven by political motives, such as seeking retaliation against critical media.

### **Argentina**

A key government tool for pressuring private companies to withdraw advertising from critical news outlets was conditioning or terminating state contracts with those companies. Companies that refused to respond to government pressure were often not invited to participate in government tenders for future contracts. Other times, they were asked to participate in costly bidding processes for state contracts, even though the winner had been predetermined, thus wasting their time and financial resources (interviews with ID #22 & ID #23).

Most private companies facing government pressure to cease advertising in dissenting media yielded to that pressure, as retaining lucrative government contracts outweighed the financial benefits of carrying out any particular advertising campaign (interview with ID #25). Furthermore, failure to comply could also lead to additional legal and financial retaliations (see Section 6.3.2).

These government actions were difficult to prevent. Even if state agencies did not want to cancel a contract, they had limited autonomy from the executive branch and could not prevent the president from ordering a contract with a private sector company terminated because that company was buying advertising on a critical news media outlet. Lack of government transparency about its decision-making rationale, and high levels of

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corruption in government contracting with businesses were enablers, but the government's aim to pressure companies remained the principal catalyst (interview with ID #11 & ID #34).

Based on the interviews, companies managed this situation in various ways (interview with ID #21 & ID #24). Some companies immediately withdrew their advertising from targeted media outlets, openly informing them of the potential for government reprisal. Others simply allowed their agreements with the news outlet to expire while refusing to meet with or take calls from media representatives, even if they had long-standing relationships. In some cases, company executives, who did not want to breach their commitments with media houses, offered to continue funding if their ads were not published or broadcast. These companies attempted to walk a thin line by seeming to comply with the government request, while not violating the existing contract with the media houses to maintain a good relationship for future opportunities (interview with ID #24). This approach was risky because this information could reach government authorities and cause retaliation against the company (interview with ID #25).

A select few private sector companies facing this type of pressure held their positions and resisted the government, usually paying a high price for doing so. They were often international companies whose local executives received support from the corporations' headquarters, thereby enabling them to withstand indirect government economic pressure. For example, Royal Dutch Shell refusing to withdraw its advertising from media outlets critical of the government faced penalties, lawsuits, closure of a refinery and public defamation directly from the executive branch (*Reuters, 2007*). While

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Royal Dutch Shell's profits in Argentina were affected, its operations continued because it had the financial muscle necessary to pay fines and legal fees and continue in business (interview with ID #32).

Information gathered in interviews shows that companies placed advertising based on their business strategies and projected profits rather than on the political tone of a news outlet. However, that approach did not protect them once they were embroiled in a battle between the government and a media outlet. For example, big retailers often spent large sums on advertising, with a good portion of it going to news media organizations reaching large sectors of the population. Those news outlets, in turn, often had considerable influence on public opinion due to their audience reach. As a result, those companies risked being caught in a contentious relationship between the outlets and the government. They could face reprisals regarding separate business dealings with the state, unless they withdrew or reduced the advertising they had placed in specific media outlets, even though their aim was to target customers rather than make a political statement (interview with ID #8 & ID #23).

### **Chile**

Interviewees in Chile offered no evidence that the government conditioned or terminated company contracts based on their business relationships with news media. In sharp contrast to Argentina, companies did not encounter pressure to withdraw their advertising from media critical of the government under any administration, regardless of their point of view on the political spectrum, during the period studied. Interview findings indicate that

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possible reasons for the differences between the two countries were the degree of corruption in state contracting, the effectiveness of oversight mechanisms, and the independence of state entities from the executive branch (interview with ID #45, ID #50 & ID #58).

### 6.3.2 Specific Instrument #2: Use of State Bureaucratic Apparatuses to Embroil Companies in Administrative/Legal Procedures and Tax Investigations to Cause Financial Damage

The second instrument in this subcategory looks at how governments attempting to curtail media freedom penalize private companies with economic ties to critical news media, by using the state bureaucratic apparatus to embroil them in administrative and legal procedures, as well as tax investigations, with the goal of inflicting financial losses. Even when these actions do not result in hefty penalties or fines, they force companies to employ vast resources to respond to inquiries and defend themselves against charges. Many companies, especially those without strong financial backing, are not always able to afford these costs, which is why it can be an effective means for pressuring them to reduce or terminate advertising in news outlets critical of the government.

#### **Argentina**

Interview findings showed that the government of Argentina used this approach to pressure companies to withdraw advertising from government-critical media (interview with ID #8, ID #13 & ID #25). For instance, a common practice was conducting audits of companies without justification or credible evidence of any illegal activity. A good example was illustrated

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in an interview with a business owner, who stated, “We would get a call saying the authorities did not like an article published, implying we should withdraw financial support from that publication or put pressure on the editors. The consequences of not doing so were never made explicit, but when we did not act, we received frequent visits from the State’s tax bureau” (interview with ID #23). This pressure instrument often resulted in administrative penalties, fines and even legal charges. Whatever the outcome of the investigation, including when companies were not charged with any wrongdoing, authorities ensured that targeted companies endured an arduous process that drained financial resources and prevented their executives from focusing on company management.

Interviewees stated that governments employed various forms of harassment with the aim of inflicting economic pain. In addition to tax audits, these included on-site health and safety inspections, searches without warrants, threats to have consumer associations and labor unions with close government ties file formal complaints, and lawsuits. Tax investigations into the finances of company executives and their families also were widely used. Collectively, these provided governments with a variety of tools for a wide range of situations (interview with ID #20 & ID #26).

By cracking down on existing relationships, governments also sought to intimidate and prevent other companies from establishing new business agreements with media outlets critical of the government (interview with ID #14 & ID #31). By pursuing punitive measures in select cases, governments could make an example of a few companies to establish a pattern without having to overtly go after most businesses. A media owner from a leading

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news outlet critical of the government in Argentina reflected on this pattern. “We received strong hostility because we were more unruly, but the punishment was an example for everyone else. I believe authorities first attack the media, and if they see they cannot silence it, then they go on to use these indirect pressure tools on private advertisers to intimidate them to set an example for others” (interview with ID #9).

### Chile

Business executives in Chile were generally critical of government bureaucracy, but did not perceive it to be used specifically to cause financial harm to businesses that had economic relationships with critical news media outlets. The interviews did not reveal any government backlash related to businesses advertising on media critical of government policies. As noted in Section 6.2.2, loss of advertising did not involve the state, but resulted when companies were unhappy with journalistic investigations or editorial coverage of their business affairs (interview with ID #41, ID #42 & ID #68).

#### 6.3.3 Section Conclusion

Specific economic pressure instruments related to the subcategory of pressuring private companies to withdraw advertising from critical media were primarily observed in Argentina, the democracy with a partly free media environment. Use of these instruments did not come up in interviews with Chilean journalists or subject-matter experts. The two principal instruments identified in the interviews in this area were: Conditioning or terminating state contracts with private companies; and Using the state apparatus to entangle corporations in costly administrative and legal

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proceedings and tax investigations with the aim of causing financial harm to companies that did not comply with government demands. The apparent goal of these efforts was to inflict economic damage on media houses to influence their editorial content.

These pressure tools often targeted companies that advertised in leading national news outlets with large audiences, given their ability to shape public opinion. They also were applied to smaller media outlets, but those were often more dependent on government advertising already. Since large media houses frequently were able to survive without much state advertising, targeting private sector advertising also became a weapon of choice (interview with ID #11).

It was difficult to quantify the impact of government efforts to reduce media outlet advertising revenue, but interviewees concurred that this instrument caused severe financial damage to media houses because it targeted their main revenue streams (interview with ID #1 & ID #8). Argentine journalists who testified in a 2013 OAS hearing also stressed that news media that opposed government policies “experienced a 67 percent drop in private advertising...resulting from government pressure on companies.” They added that “withdrawal of this advertising...seriously affected the media’s sustainability and implied an evident curtailment of the rights of freedom of thought, information, and expression” (*IACHR, 2013*).

Targeted news media houses also pointed out that government pressure was evident because some companies that withdrew advertising from them maintained their normal levels of advertising in media outlets with more

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friendly editorial stances on government policies (interviews with ID #9 & ID #11). Furthermore, the Association of Argentine Journalistic Entities asserted that “pressuring private companies to remove advertisements from the media and using public resources to reward or punish journalistic companies for their editorial lines constituted a serious attack on freedom of expression” (*García, 2013*).

These mechanisms can lead to fewer independent voices in news outlets and decreased media freedom. Attacking private revenue streams can cause government-critical media outlets to go out of business, reduce their ability to pursue investigative journalism, or lead them to become more dependent on government funding by changing their editorial stances (interview with ID #67 & ID #68). In a media environment where most media houses depended on advertising funds, government pressure on the private sector could act as a fundamental factor influencing freedom of the press.

### **6.4 Threats and Harassment: Non-Physical Harassment of Journalists**

Government threatening and harassing journalists and media outlets critical of authorities were identified in the survey, and corroborated in expert interviews, as the second main category of pressure instruments used by young democracies to curtail press freedom. This section focuses on analyzing how specific instruments within the identified subcategory—Nonphysical harassment of journalists—were implemented and how they influenced journalistic freedom. These specific instruments are: Defamation of journalists; Deployment of online trolls to harass journalists; and Telephone calls to intimidate decision-makers at news media outlets.



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Interviews revealed that these instruments were a key differentiator in how the two case study democracies' news media freedom levels evolved and diverged. Findings pointed to intimidation tactics commonly resulting in self-censorship, which invisibly affected freedom of the press. Journalist harassment occurred in both countries but was significantly higher in Argentina, where media freedom had slid significantly. These tools were used off-line and online, combining established mechanisms that remained effective with new harassment techniques adapted to the digital age. Since this phenomenon could affect media freedom in any democracy, it is important to draw attention to the most prevalent forms of journalist harassment and how they hinder news media freedom.

### 6.4.1 Specific Instrument #1: Defamation of Journalists

A specific instrument that emerged from interviews in this category was defamation of journalists and media outlets by government authorities. Interview findings point to the use of journalist defamation to discredit not only individual journalists and their news outlets but also the media industry itself. Governments doing this issued hostile diatribes against the press and disseminated well-crafted messages to erode public trust in media. This increased citizen uncertainty about whether news media coverage and editorial content could be trusted (*Vaccari & Chadwick, 2020*).

The potential for the public to turn away from news outlets could lead to diminishing audiences, which could affect media house revenues. Likewise, if a particular journalist lost credibility with the public, it could be difficult for that person to retain or find a job. In Argentina, the challenge was

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compounded by journalists also having to endure a systematic public attack on their character or professional competency led by leading political figures and their followers. Ultimately, defaming journalists aimed to influence editorial decisions and deter critical voices.

### **Argentina**

Interviewees from Argentina emphasized that the government defamed journalists who criticized it not only to derail a particular news investigation or policy criticism but also as a systematic approach to destroy the credibility of the press (interviews with ID #8 and ID #69). Journalists were labeled dishonest, corrupt or paid agents working to destabilize the existing regime (interviews with ID #32). It was an instrument employed to “attempt to not only empty our financial coffers, but just as importantly, to destroy our symbolic capital via defamation, discrediting us in the public eye” (interviews with ID #9).

To cast a wide net when defaming journalists, Argentine political leaders deployed incendiary rhetoric via various direct communication channels to engage their audiences. This included state-owned media, pro-government private sector news outlets, political rallies, and online platforms, usually using a combination of all four (interviews with ID #14 and ID #35). This approach was designed “to reach the people” without “gatekeeping” by news media outlets, often leading to the spread of misinformation. Sustaining this approach depended on considerable funding, requiring the government to use large sums of state funds to spread its propaganda (interviews with ID #2). This coincided with the findings in Section 6.1,

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which showed that the Argentine government allocated large sums of money to influencing news content.

Strategically using state-owned media or pro-government private news outlets was at the center of spreading inflammatory rhetoric against critical journalists. For example, during pregame and half-time breaks in soccer matches between popular teams, which regularly enjoyed the highest TV ratings and were broadcast on the state channel, the government ran advertisements discrediting specific journalists who opposed its policies, calling them liars and falsely accusing them of taking bribes (interviews with ID #1). Journalists were systematically and consistently defamed, especially those reporters and columnists working for leading media houses. They endured daily television programs on both state- and privately owned channels levying insults and personal attacks on them (interviews with ID #28 & ID #34).

Political rallies and large gatherings of pro-government groups were also a common forum used to lambaste news outlets that questioned political leaders. An example was the “organization of ‘public trials’ against journalists critical of the administration in a public square where photos were put up and people encouraged to spit on them” (interviews with ID #35). This was replicated throughout the country receiving extensive media coverage, “affecting not only those journalists, but also their families, friends, and colleagues, resulting in intimidation and self-censorship” (interviews with ID #28). These acts of defamation specifically targeted media opposed to government policy, “including journalists with long track records of transparency and free speech” (interviews with ID#2).

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Discrediting the press enabled the government to shape a narrative and demean the journalistic institution to the degree that the public became suspicious of news media coverage, losing trust in media houses. It also created an antagonistic climate that turned the media into a public enemy. As several journalists reported, this often led to being insulted both in the streets and online, especially in the comments sections following their articles. The resulting pressure on journalists and media owners, as well as on their families, frequently caused them to take a more cautious approach when writing or publishing articles, with news outlets potentially deciding not to cover a story to prevent backlash and public hostility (interviews with ID #36).

### Chile

When comparing case studies, journalist harassment was much more prevalent in Argentina than in Chile (see Section 4.5). Although less frequent in the latter, the survey and interviews showed that it also occurred there. Harassment of journalists in Chile was more prevalent at the provincial and municipal levels and in specific cases involving corruption investigations (interviews with ID #62). It also was manifested in regions with ongoing conflicts between the government and local indigenous communities, where the battle to control the narrative in these specific situations led local officials to verbally rail against media critical of official policy (interviews with ID #65).

There also were a few examples connected to past presidents. On one occasion, the government of Chile publicly labeled the editorial team at

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magazine *Que Pasa* as liars after it published an investigative report alleging corruption in the business activities of the president's son. The government then went on to open a legal case against the media house, alleging libel, but the strong response from both media and civil society led to the case being dropped (interviews with ID #56).

A previous administration denied the leading media house access to presidential press briefings, alleging that its coverage was consistently negative. The president banned journalists from that news outlet from accompanying him on the presidential plane on official trips, even when other journalists covering the executive branch were in attendance. The media outlet countered by sending its reporters on commercial airlines and making the issue a central part of its news coverage. Eventually, the situation was diffused. The journalists were allowed to rejoin the press corps and the president on the presidential plane despite their continuing criticism of government policy (interviews with ID #61).

In general, interviews showed that the majority of Chilean journalists were not publicly defamed by the government. However, as noted in Section 6.2.2, Chilean journalists did experience limitations of their coverage of private companies whose owners would verbally lash out against them when displeased with that coverage. Responses showed that some journalists, more notably in smaller news outlets, perceived limitations on their work as coming from superiors who wanted to avert a public spat with a large private advertiser (interviews with ID #38).

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### 6.4.2 Specific Instrument #2: Deployment of Online Trolls to Intimidate and Harass Journalists

Government actions to harass critical journalists and erode press freedom in democracies have increased during the digital era. Rather than shutting down or limiting web services, as some authoritarian regimes do, this approach aims to increase the government's digital presence to influence the narrative and intimidate those who challenge it. This is done in large part through the deployment of government-backed online "trolls" who intimidate critics in the media. While trolling is a vague and debatable concept, Phillips & Milner (2018) define the term as "malicious and antagonistic behavior aimed at causing fear and concern by using aggressive and threatening language." Nyst & Monaco (2018) define state-sponsored trolling as "direct or indirect government use of targeted online harassment efforts to intimidate and silence individuals critical of the state," an activity mostly associated with authoritarian regimes (Keremoglu & Weidmann, 2020). However, interviewees from Argentina indicated that paid online trolls also can be employed as a pressure instrument by democratic governments aiming to limit press freedom.

#### **Argentina**

Interviewees noted that the Argentine government hired paid trolls during the period studied to harass journalists opposed to government policies (interviews with ID #9 & #30). "The trolls aimed to generate negative publicity and discredit journalists, constantly being active in the comments section following journalists' stories" (interview with ID#11). Many news outlets closed the comments sections on certain articles at the request of

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columnists and reporters, because “the government’s concerted effort was so relentless that some journalists would not continue writing if the comments sections on the articles were not closed” (interview with ID #28).

The interviews also revealed that anti-journalist trolling had the demoralizing effect of self-censorship on many reporters. “Journalists from across the country complain about how online trolls clearly affected their independence. When an average of 90 out of 100 comments are personal insults, it affects them, leading to higher levels of self-censorship” (interviews with ID #11).

The Kirchners’ administrations<sup>15</sup> were suspected of having started the practice of using trolls to attack journalists who criticized their governments (interviews with ID #1). This is likely, especially given the coordinated effort and level of funding needed to sustain regular attacks against critical journalists (interviews with ID #4). Tracing trolls directly to governments, who would deny involvement, is challenging as they are neither part of official government structures, nor are they likely to be directly paid by a government entity. There are also online trolls who harass government-paid journalists, enabling regimes to better camouflage their actions.

### Chile

Online trolling was also an issue in Chile, as it is worldwide. However, Chilean experts did not link online trolling with government funding. This was the consensus across the various societal groups that participated in the

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15. Referring to Nestor and Cristina Kirchner, who served as consecutive presidents of Argentina.

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study (interviews with ID #39, ID #44, ID #49 & ID #62). This contrast in the findings between the two case studies was a key differentiator that also helps explain Argentina and Chile's diverging press freedom scores during the period studied.

### 6.4.3 Specific Instrument #3: Telephone Calls to Intimidate Decision-Makers at News Media Outlets

One of the indirect forms of journalist harassment reported in both case studies was the practice of government officials calling journalists or news editors to attempt to influence news content. For the most part, this type of communication came from cabinet staff members and public relations teams working for the executive branch and ministries. The main difference was the tone of the conversations. In Argentina, where media freedom scores dropped consistently during the period studied, journalists and media owners described the conversations as more threatening, with the aim of intimidating journalists and editors. Telephone conversations were sometimes just the first step, at times followed by more punitive measures if the news media continued coverage critical of the government.

All governments have public relations teams whose role includes representing their respective institutions when interacting with news media. In democracies, the role of government public relations has long been a focus of debate. Some stress the potential positive influence of this function, attempts to establish lines of communication with organizations and the public generally, while remaining responsive to public opinion and media coverage (*L'Etang, 2009*). Critics point out that its motivation is usually



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associated with a form of organizational self-interest and reputation management (*Bohman, 2000*).

The relationship between government public relations teams and news media outlets is usually a two-way information exchange. Governments rely on mass media to communicate policy information to the public. Conversely, journalists rely on government public relations teams to obtain and provide information, identify government sources and secure interviews with top-level officials. Public relations teams communicate government initiatives or present a political position on a topic, while the role of news media in a democracy should be to question government officials and their policies to develop fact-based content of value to their readers.

When a negative news story is published or aired, the government will often call the reporter to clarify any points it thinks are misrepresented and provide additional information supporting its position. It is in relation to this interaction where the issue discussed in this section took center stage. Telephone calls are a normal part of the relationship between government and media, but it is the purpose, tone and possible follow-up to the conversation that can make it harassment.

### **Argentina**

In Argentina, telephone exchanges tended to be confrontational, often including threats to try to convince journalists to retract their stories (interviews with ID #31). The Association of Civil Rights in Argentina recorded numerous testimonies regarding this topic, detailing accounts of numerous “official phone calls,” including many directly from the Office of

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the Presidency, the objective of which was to influence news content and media coverage (Asociación de Derechos Civiles Report, 2010). The Inter American Press Association (2013), on its website, also denounced this type of pressure in Argentina, stating that it constitutes an attack on press freedom.

During the period covered by this study, negative news coverage critical of Argentine presidents would trigger telephone calls from the presidential team, or even from the president, to harass and criticize the journalist, or ask for a retraction. These calls were not new to Argentine media, but the tone was perceived to be more threatening during the period studied (interview with ID #32).

Telephone calls harassing journalists were intended to influence news coverage (interview with ID #28). While most journalists in the two young democracies maintained their editorial lines because they did not fear for their lives, physical safety, or freedom, a few were more cautious when working on future news stories to ensure they preserved their jobs. The threats and harassment were most often limited to phone calls, but at times, political pressure on media owners by the executive branch could result in the dismissal of a journalist (interviews with ID #11& ID #16).

### **Chile**

Telephone calls between government officials and news media outlets also took place in Chile. However, the tone was not very confrontational and did not include threats (interviews with ID #62 and ID #66). Calls that applied pressure to modify editorial content did take place at state-owned outlets

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regarding select stories of interest to the government (interviews with ID #51 & ID #60). However, “top editors often pushed back and if the news story still aired, there were no government repercussions” (interview with ID #60).

Journalists and media owners in private sector news outlets also interacted with government public relations officials, but the relationship was primarily nonconfrontational. That does not mean government public relations officials did not attempt to influence the narrative about policy goals and initiatives, but they also attempted to build relationships with journalists and give them exclusive access to information to build goodwill. Officials still sometimes called about negative articles, but the exchanges did not include threats or harassment (interviews with ID #50 & ID #66).

### 6.4.4 Section Conclusion

Government harassment of journalists was a widely used technique in Argentina. While attempting to influence public opinion regarding policies is a normal goal for all governments, media harassment has traditionally been viewed as a tool primarily used by authoritarian and semi-democratic governments, i.e., not free democracies. That has begun to change. Evidence in this research demonstrates that while harassment instruments are more subtle in democracies, they influence the independent work of journalists. Most prevalent are: Defamation of journalists; Deployment of online trolls to harass journalists; and Telephone calls to intimidate decision-makers at news media outlets.

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The government of Argentina placed great emphasis on defaming journalists, attempting to discredit both them and the journalistic profession in general. Eroding public trust in the media also contributed to increasing mistrust in negative news coverage of the government and its leaders. Political leaders conducted these defamation efforts via state-owned media, pro-government mass media, large political rallies and their own online platforms, enabling them to bypass critical news outlets to engage the public directly. This issue was less frequent in Chile, the democracy with a freer news media landscape.

The increasing digitalization of society and the media industry has created additional tools governments can use to harass journalists. Journalists and media owners in Argentina confirmed that state-funded online trolls patrolled the digital sphere to counter government-critical narratives, often targeting journalists producing the content. Trolls filled the comments sections following their articles with insults and personal threats to intimidate them into changing their editorial tone. Online trolling exists worldwide, but the main difference is its origin. Unlike in Argentina, journalists, media owners and NGO watchdog representatives in Chile did not associate online trolling activities with government-sponsored efforts.

Telephone calls from government public relations teams and other top-level officials also emerged as a tool that governments employ to intimidate reporters. While regular interactions between government public relations teams and journalists are necessary to get information to the public, there was a clear difference in tone. In both case studies, journalists experienced this type of harassment. However, the conversational tone in Argentina was

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more confrontational or threatening than in Chile, and those receiving these calls often viewed them as a government attempt to influence freedom of the press.

### 6.5 Discussion

News media freedom setbacks in democracies are not characterized by authoritarian-style direct control methods, such as jailing and torturing journalists or conducting cyberattacks and shutting down internet services. Instead, they occur in incremental steps, gradually eroding press freedom over time. Democratic governments tend to employ pressure instruments that are more subtle, indirect and harder for the general public to detect. Even so, they appear to be effective, as reports from watchdog organizations have consistently reported press freedom declines in democracies over the past several years (*Freedom House, 2020; Reporters Without Borders, 2020; Council of Europe, 2019*).

This chapter analyzed the information from interviews with subject-matter experts in the two case study countries, both of which were young, free democracies with similar characteristics whose levels of media freedom had diverged during the period studied. The interview findings built on the results from the previous journalist survey (see Chapter 4), which revealed that economic pressure tools and harassment techniques were the key drivers behind government media censorship mechanisms in the case study countries. The in-depth interviews enabled the study to identify individual instruments and understand how they were used to create a partly free media environment in a free democracy.

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The research yielded two main categories of government pressure instruments used to curtail media freedom. The first category, Economic Pressure Tools, is divided into two subcategories: Use of state advertising to influence editorial content; and Economic pressure on private sector companies to withdraw their advertising from media critical of the government. The second main category is Threats and Harassment, which focuses on the subcategory of Nonphysical harassment of journalists that includes the specific instruments of: Defamation of journalists; Deployment of online trolls to harass journalists; and Telephone calls to intimidate decision-makers at news media outlets.

### 6.5.1 Influence of these Instruments on Media Freedom During the Digital Transformation

To better understand how these economic instruments currently influence news media freedom in democracies, it is important to place them in the context of the digital era. With the number of readers consuming information online growing exponentially (*Statista, 2019*), most media outlets have at least partially transitioned to the internet. The internet revolution initially offered advocates of freedom of the press great hope. Digital technologies provided journalists with tools to circumvent government censors and publish, disseminate and access information online, helping defy totalitarianism's monopoly on information (*Noam, 2005*). Information is now easier to disseminate, making government control over it more difficult (*Hong & Kim, 2018*). However, autocratic regimes have adapted, and they now use digital technologies to exert control over the flow of information by interfering with these digital technologies (*Keremoğlu &*

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*Weidmann, 2020*) and censoring online content (*Xu, 2020*). Their wide array of pressure instruments includes cyberattacks, mobile tracking and human censors (*Tsui, 2015; Xu, 2020*).

These are not the same challenges facing news media in free democracies, where internet access is not blocked and journalists can generally publish without fear of imprisonment or torture. In freer societies, governments that seek to exert influence over editorial content appear to understand that economic pressure tools are not only harder for the public to detect but can also be highly effective given the financial hardship the digital era has meant for the media industry.

Independent news publications—especially those outside the Western world—are finding it difficult to provide investigative news while remaining commercially viable (*Schiffrin, 2019*). As a result, these outlets are experiencing grave financial strain, with many succumbing to economic challenges or barely managing to survive (*Dragomir, 2018*). *Perfil*, one of the leading print and online investigative news publications in Argentina, recently told readers that it had become “more difficult for us to sustain structures that allow us to carry out critical, incisive journalism, which is by definition expensive” (*Fontevicchia, 2020*).

The same is true of many nascent digital-only news outlets. Although they did not have to “transition” to the internet, many are feeling financial strain because paying for online news content is not popular in regions like Latin America. For example, in Argentina, only 15 percent of people pay for news (Newman, Schulz, Andi, Robertson & Nielsen (2021). Other publications

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have lost more than half their advertising revenues to social media platforms (interview with ID #9).

### 6.5.2 Applying Economic Pressure Tools

The grim financial situation described in Section 6.5.1 makes news outlets more susceptible to government economic pressure instruments. Discriminatory use of state advertising by governments is not a new tool, but Section 2.3.2 describes how a growing body of literature has begun to recognize the importance of state advertising in influencing news outlets' editorial lines (*Bátorfy, 2015; Kowalski, 2019*). However, as observed in Argentina, the influence of state advertising has increased in this economic context, leading some publications to decide between economic survival and compliance (*Linares, 2021*). Economically rewarding or punishing a news media outlet for its editorial tone remains an elusive tool that continues to gain traction given the financial struggles of the media industry.

As discussed in Chapter 2, the literature on government maneuverings in media advertising heavily focuses on the misuse of state funds (*Di Tella, Galiani, & Schargrodsky, 2019*). However, scant scholarly attention has been given to the use of economic pressure tools on private companies to withdraw or reduce their advertising in media critical of government policies. As discussed in this chapter, this mechanism was prevalent in Argentina as part of the government's attempts to influence media freedom.

This instrument is so important because, despite the influence of state advertising on the revenues of media outlets, it generally accounts for a much smaller portion of advertising revenue than private sector funds do



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(*Cornia & Neilsen, 2016*). Even in Argentina, where this study showed that the government was the principal individual advertiser nationwide, the total of private sector advertising was significantly larger, which was what the government in the case study with less media freedom targeted (interviews with ID #1 & ID #4). The findings of this chapter identified two prevalent specific instruments in this subcategory that sought to pressure private sector companies: Conditioning or terminating contracts with the state; and Use of state bureaucratic apparatuses to embroil companies in administrative and legal procedures and tax investigations to cause financial damage. This is an important finding and an area that requires greater academic attention when studying media freedom issues in democracies.

Governments often justify their pressure on large news outlets by stating that they want to diversify the media landscape (interview with ID #3), but ironically, their pressure instruments might contribute, in part, to greater media concentration. This research observed that, for the most part, large, privately backed media groups were those best able to resist government pressure while navigating the digital transition. Though they also struggled to generate revenue for their online platforms, their operations were able to continue thanks to resources generated from their other assets in media and separate industries. As such, the leading digital news media outlets in young democracies are for the most part the online platforms of traditional media, which were able to migrate their existing audiences from their TV, radio and print channels to their digital sites. They retained large audiences and the ability to influence public opinion.

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On the contrary, many nascent digital-only independent publications did not have alternate revenue streams to fend off the financial hardship, which made them more susceptible to government pressure instruments. Some closed, while others changed their editorial tone to stay afloat. In fact, when seeking examples of leading digital-only news media covering political issues in Latin America, including Argentina and Chile, it is difficult to find many in a country categorized as a free democracy. The few that exist are, ironically, found largely in countries deemed partly free democracies or authoritarian governments. This is because they are sustained by international aid, which focuses most of its material resources on “supporting media freedom in countries where journalists are persecuted, imprisoned, and often fear for their lives, rather than free democracies, where that does not take place” (interview with ID #70).

### 6.5.3 Harassment Migrates to the Internet

Despite emerging evidence, many perceived the manipulation of online content and threats toward digital news media as phenomena primarily taking place in non-democratic and partially free regimes during the first decade of the new millennium (*Diamond, 2012*), even if examples in some young free democracies were already emerging (*Kitzberger, 2012*). Observers argue that this perception began to shift as elected leaders in established democracies increasingly used harsh rhetoric to publicly attack the media, advancing discussion about its threat to press freedom (*Cohen, 2018; Edsall, 2018*). Recent works document journalist harassment carried out by democratic leaders (*Waisbord, 2020*) and point to “a trend toward verbal abuse and public stigmatization of the media and individual

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journalists in many member states, including by elected officials” (*Council of Europe Report, 2019*).

The arrival of digital technology further revolutionized the ways some free democracies applied this pressure instrument, including targeting journalists on an individual level (*Pyo, 2020*). Personalization of these attacks was facilitated by the digital transformation, which provided easy public access to newsrooms and raised journalist visibility on digital platforms. The assumption had been that it increased interaction between newsrooms and the public, allowing them to better produce news content relevant to ordinary citizens and therefore having an overall positive impact (*Schmidt, Nelson, & Lawrence, 2020*). However, this exposure opened the floodgates, allowing journalists to become frequent targets of online trolling (*Waisbord, 2020*).

In Argentina, the case study with less media freedom, state-sponsored online trolls became a government instrument for harassing journalists in their articles’ comments sections and on social media. This included hate speech and threats to both journalists and their families for criticizing government policies (interviews with ID #15, ID #17 & ID #33). The practice apparently continued even when there was a change of government (*El País Digital, 2018*), which can often lead to self-censorship or changes in editorial tone (interview with ID #11).

Journalists in Chile were also harassed online, but there was no evidence that the state condoned or financed these activities (interviews with ID #45 & ID #63). Even so, given the potential that any form of harassment can

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affect a reporter's will to write a controversial story, this issue merits further research. This is especially true regarding social media platforms, which are beyond the scope of this study. It is now clear that even if digital media has been positive for press freedom overall, it has also become an imminent threat to that same freedom (*Miller & Vaccari, 2020*).

### 6.5.4 Political Context

When heading into the new millennium, Argentina's and Chile's trajectories regarding news media freedom were on similar paths. In fact, Freedom House's news media freedom scores in 2001 separated the two countries by a mere six points. Over the next 15 years, press freedom in the two countries diverged, with Argentina steadily sliding lower as Chile held steady. Examining the use of government economic tools and harassment instruments, as well as their influence on news media freedom, explains how the two democracies diverged during the period studied. But to better understand factors behind why the two countries performed in this manner, it is useful to understand the political contexts.

A notable difference during the period studied was the diversity of political forces governing the two countries. Argentina was led not just by the same political party but also by a powerful political couple, Nestor Kirchner and Cristina Fernandez de Kirchner. The two alternated positions as president, albeit in competitive elections deemed free and fair by the international community. But 12 straight years in power enabled them to use the state's economic prowess to limit media freedom. The plan was meant to continue longer, but Nestor Kirchner unexpectedly died of a heart attack and Cristina

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Fernandez de Kirchner was not eligible to run for a third consecutive term (interview with ID #7).

The balance of power divergence in the Argentine political system started to show in the 2003 elections that brought Nestor Kirchner to the presidency. He emerged from a wing of the Peronist party following Argentina's worst financial crisis in history, which included a debt default and an almost 75 percent drop in the value of its currency. This led to a political crisis that decimated the Radical Party, which had historically alternated power with the Peronists. This main opposition bloc all but vanished from the political landscape in that election—obtaining just over 2 percent of the vote—as it was blamed for the economic debacle.

The absence of an organized opposing political party provided President Kirchner with ample room to put his own mechanisms in place. An economic recovery in the initial years of his presidency, a clientelist relationship with key sectors of society, and populist policies increased his party's electoral bloc, aiding the political consolidation. This would be proven by the victory of his wife, an ex-senator, in a landslide victory in the following elections. Their conclusion that their party's populist political movement was likely to retain power for some time prompted them to implement instruments to pressure news outlets (interview with ID#2). The government's ability to deviate and multiply public funds to finance government-friendly media might be partly explained by institutional weakness, lack of oversight over public funds and of clarity regarding guidelines about government advertising expenditures. In addition, solid

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checks and balances were not in place during the long control of government by one party (interview with ID#1 & ID#2).

In Chile, on the other hand, power alternated between socialists and the political right. Congress also amended the Constitution in 2005 during the Ricardo Lagos administration (2000–2006) to reduce the presidential term from six to four years, without the option for consecutive terms. This was not typical in Latin America, where constitutional changes traditionally sought to extend a president's time in office. Since then, the presidency has alternated between socialist and right-wing presidents. Experts interviewed view this as a healthy practice that has limited potential abuses of power (interview with ID #39).

Chile remained in a power-sharing pact since its political transition, which contrary to Argentina, was negotiated. While the left won several elections following the right-wing dictatorship, governments were formed in coalition. In addition, even when the left governed with a majority, the political right retained sufficient levels of power and popularity to maintain the balance. The same occurred when the right later won the presidency. This balance of political power contributed to a stability that enabled Chile to strengthen its democratic institutions.

This also has led to a culture of political power-sharing, in which the two main political factions formed a system of checks and balances that limits power-grabbing opportunities. Attempts to change rules to benefit the government could easily backfire, as political power alternated frequently, leading to potential corrective action from the opposition when it had an

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opportunity (interview with ID#38). Presidential elections in 2021 brought to power a political coalition outside the two main traditional factions that leans further to the left of the Chilean socialists. The country also will be drafting a new national constitution following a 2020 referendum in which voters supported that change by huge margins. While there are questions about Chile's political stability moving forward, President Gabriel Boric has struck a moderate tone, and his cabinet member selections are considered by some to be centrist (*Camero & Miranda, 2022*). In addition, the government has only a small minority in Congress, all but ensuring the political agenda will need to be negotiated.

The study of Argentina and Chile compares one case of decreasing media freedom with another where media freedom seems to remain stable. When looking to explain the observed differences, one possible reason is that national rules that ensure regular changes in government and reduce opportunities for erosion of that process – thus limiting the time available to establish mechanisms to curtail press freedom – could be a safeguard against democratic backsliding triggered by the desire of ruling parties and individuals to hold on to power. Further examination is required in other case studies.

# **7 THEORETICAL IMPLICATIONS**



### 7.1 Case Study Synthesis and Theoretical Implications

The case study analysis presented in Chapter 6 identifies a broad set of instruments used by free democracies attempting to limit news media freedom. It discusses specific instruments in each of several categories, the extent to which they are employed against news media critical of government policies, and how they are used to influence media freedom. It concludes that free democracies can use a variety of tools to curb press freedom, with the preferred instruments falling into the categories of economic pressure and nonphysical harassment. Research findings reveal that the toolboxes used by governments include a combination of old instruments (e.g., arbitrary use of government advertising) that remain in vogue alongside newer ones (e.g., pressure on private companies to limit financial support of critical media or harassment of journalists using paid online trolls), some of which have been designed for or adapted to the digital age. Regardless of the mechanism chosen, all have one thing in common: They are subtle and difficult to detect by the general population, taking place under the public's radar.

The use of these instruments appears to be an early sign of declining levels of media freedom in free democracies. When analyzing recent reports (*Freedom House, 2020; Council of Europe, 2019*) concerning countries that were formerly free democracies but experienced democratic backsliding in recent years to become illiberal democracies—i.e., Benin, Hungary, India, the Philippines, and Serbia (*Freedom House, 2021*)—a wider theoretical conclusion can be drawn: Governments that move from free to illiberal democracies are likely to curb media freedom to hold on to power. These

governments may employ subtle, hard-to-detect mechanisms to limit media freedom until they reach a “visibility threshold” where either these restrictions are detected and can no longer be overlooked, or the government decides it is no longer necessary to hide its actions. When this occurs, political leaders in former free democracies can afford to act as if—or even publicly announce that—their governments have become illiberal democracies. They have gained sufficient control over news outlets that they no longer fear a media outcry that could fuel widespread public protests.

Until they reach that tipping point, these governments use the types of subtle instruments identified by this research to avoid risks to their plans to hold on to power. Democratically elected leaders, attempting to tighten their control of news media, use instruments of economic pressure against them while simultaneously employing harassment techniques to intimidate journalists into changing their editorial tone and delegitimize media outlets, thus eroding the public’s trust in their work. The progression of early indications of press freedom decline can indicate the possibility of further erosion. If this pattern continues, the degree of media infringement becomes apparent, eventually reaching the point where these subtle instruments are put aside for more visible and overt ones as the country’s democracy slides from free to partly free.

Benin, Hungary, India, the Philippines, and Serbia are good examples of former free democracies, now in the illiberal camp, whose governments escalated pressure on news outlets and eventually crossed the visibility threshold for media infringement. Initial measures, such as harassment of journalists and influencing coverage through the use of government

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advertising, gradually increased to include more visible methods of media suppression. This pattern can be seen in the following examples of the countries' press freedom infringements and changes in democratic status.

- Further deterioration of Hungary's democracy is seen in government attacks on independent media, which include such visible actions as the closure of influential publications, creation of a government entity with the legal power to shut down news outlets, and the prime minister's open statement that the country is an "illiberal democracy" (*International Press Freedom Institute, 2019; Serhan, 2020*).
- India's backsliding into a partly free democracy has coincided with a reduction in press freedoms. The government has consistently ramped up economic pressure on media outlets to manipulate editorial coverage. More recent visible measures include internet service shutdowns in various parts of the country to prevent news coverage of certain topics, as well as arrests of journalists (*DW Analysis, 2020; Schmall & Kumar, 2021*).
- The Philippines, once hailed for a vibrant press that was among the freest in Asia (*Guioguo, 2015*), has gradually seen both its democracy and press freedom decline (*Freedom House, 2021; Reporters Without Borders, 2021*). With the country now firmly in the illiberal camp, its media infringement methods are more visible, as demonstrated by the conviction of two Philippine journalists working for the online news outlet Rappler (*Arbel, 2020*).
- In Benin, which once led the third wave of democratization in Africa (*Conroy-Krutz, 2020*), the decline into a partly free democracy has

been accompanied by an increase in government efforts to control media freedom, including suspension of TV stations (*Kohnert, & Preuss, 2019*), imprisonment of journalists, and the recent passage of a digital law used to throttle press freedom (*Reporters Without Borders, 2021*).

- Serbia's downward spiral in press freedom originally featured subtle and covert tools to pressure media (*Kmezic, 2018*). Media suppression instruments are now becoming increasingly visible, including arrests of journalists covering the government's response to the COVID-19 crisis (*International Press Institute, 2020*). Not surprisingly, the country is experiencing further democratic backsliding and has recently been downgraded to a "partly free" democracy (*Freedom House 2021*).

While the above examples are useful, it is important to test the theory in these and other case studies to examine whether free democracies that backslide on media freedom systematically use the instruments identified in this study in early stages of their decline. Future work could test whether these subtle indicators exist in democracies with similar characteristics and assess the extent to which they are used against news media outlets by democratic governments that seek to control press freedom. Along with the empirical findings related to the instruments detailed in the previous chapter, these theoretical implications provide a foundation and starting point for a wider theoretical framework on the complex interrelationship between press freedom and democracy.

### 7.2 Connecting Findings with Literature on Economic Pressure Instruments in Democracies

This research's findings are compatible with the literature on young, free democracies, such as Bátorfy and Urbán (2020), who advanced the theory that it is important to follow the money to understand the decline of media freedom in Hungary. By observing the practices of three different governments, the authors show how state advertising is employed as an influential instrument to obtain favorable political coverage, censor news media opposing the government, and exercise control over a wide spectrum of media outlets, which then align with the government and do not criticize its policies. Finding that state advertising is among the most important revenue streams for media, their research confirms that state finances have helped pro-government media outlets survive and flourish during economically difficult years. Simultaneously, independent news outlets critical of the government have not received state funding and have seen current government advertising withdrawn. This issue is consistently found in studies focused on the Central and Eastern European media sector (*Dobek-Ostrowska, 2015; Dragomir, 2018; Schiffrin, 2017*). These studies agree that despite the increasing freedom of media after the fall of the Soviet Union, many news outlets remain economically dependent on the state, which affects their editorial independence.

Kmezcic (2018) finds that even in democracies with press freedom advances in the areas of constitutional guarantees, favorable legislation and decriminalization of libel, media freedom can be insufficient. He focuses on the press freedom crisis in Serbia over the past decade, pointing to a lack of

transparency in the state's advertising expenditures as one of the key factors. The author points out that even with laws prohibiting the use of public funds to finance media, a loophole allows "co-financing of media projects of common interest as a permissible form of state aid" (*Committee for the Protection of Journalists - The Serbian Public Information Law, 1998*), thus circumventing the restrictions on state advertising. He considers this a potential tool for creating a clientelist relationship between the state and news media outlets, which hinders press freedom. Others also have denounced these media coercion efforts, highlighting lack of transparency in media financing (*European Commission 2018*) and use of public funds to reward pro-government media and penalize critical outlets (*Barlovac, 2015*).

This line of research also includes the work of Tadic and Sajkai (2016), who affirm that media control in young democracies is greatly influenced by: 1) Economic pressure on news outlets, and 2) The purchase of existing media outlets by political and economic elites. Regarding specific tactics, they stress that authorities pressure news outlets by providing direct funding and through quid pro quo advertising purchases. They note that most advertising by the state and other public entities tends to reward pro-government media, and the majority of privately owned media outlets are owned by elites close to the government.

Czaky (2019) addresses this issue as well, focusing on the media industry's financial crisis in Central and Eastern Europe during the digital era. The author analyzes how fragile European democracies employ economic pressure tools, including financing schemes, preferential tax treatment and

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state advertising contracts to take advantage of media houses' struggles to adapt their old business models to the digital world. This has resulted in many news outlets facing a long decline in resources, making them susceptible to government financial pressure that reduces editorial independence. Czaky also points to the internationalization of these schemes, as some that originally were pioneered in Hungary are now employed in parts of Central and Eastern Europe, as well as the Balkans. This expansion is supported by watchdog reports that document financial efforts to influence editorial freedom in even established democracies, like Austria and Israel, where former prime ministers were accused of using economic resources to influence major news outlets to obtain favorable coverage (*Freedom House, 2019*).

This study is compatible with the above strand of research that reveals economic pressure is used to limit press freedom in democracies, but it also adds to the body of knowledge related to these issues. It identifies and analyzes the nature of the main types of instruments employed in the early stages of democratic government attempts to curb press freedom. The body of evidence of a comparative case study confirms existing findings for another region, placing this work within this strand of research. It builds on that discussion by identifying other instruments that connect government economic pressure tools to declines in press freedom. In addition to the use of state advertising, this research found that some democratic governments also exert pressure on private companies to withdraw advertising from media outlets critical of the government. This finding is particularly

important because such actions can be more subtle and financially damaging for news media than the provision or withdrawal of state advertising alone.

Linking the withdrawal of private sector advertising from news media to political pressure is difficult. Private companies have the right to place advertising in, or withdraw it from, any media they choose. Since those funds do not come from taxpayers, regulations and legal guidelines that apply to state funds do not affect the advertising decisions of private companies. Corporations also can justify their actions based on budget or business considerations. Abuse of power arises when corporate advertising placement decisions are influenced by government pressure, in an effort to steer funding away from news outlets based on their editorial positions on government policies. To understand how this occurs requires a research methodology that goes beyond numbers and second-hand evidence to include interviews with relevant actors from various sectors of society who can corroborate and add to knowledge previously gained based on solid evidence.

The instruments used to exert government pressure on private advertisers have the potential to exert significant economic pressure on news media outlets. While state advertising is an important source of revenue for media outlets, it is often not the dominant share of total advertising revenue for a news outlet, as discussed in Chapter 6. Even in the Argentina case analyzed in this research, where the state was the leading individual media advertiser during the period studied, its total expenditure was only a fraction of total national media advertising income. This underscores the importance of private sector advertising as the primary source of media outlet revenue.



## Chapter 7 | Theoretical Implications

This study clearly detected the use of this instrument in Argentina. This should be sufficient reason to compare the use of pressure instruments of this type to others in similar case studies to enrich academic discussion on this topic. Future studies could analyze whether these measures were applied in a range of cases and, if so, when they started taking place, as well as the extent to which they were used against news media critical of the government. In turn, they could analyze the extent of influence the use of these instruments has on independent media owners and journalists regarding the editorial positions of their outlets.

### 7.3 Connecting Findings with Literature on Nonphysical Harassment Tools in Democracies

One of the growing threats to freedom of the press around the world is the harassment of journalists. While it is often used by authoritarian regimes to intimidate journalists, it is of concern that it often is also employed by democratically elected leaders (*Carlsson & Poyhtari, 2017*). To add to that conversation, this study identifies a set of nonphysical harassment techniques used to pressure journalists and curb media freedom used in young, free democracies.

The findings of this study are compatible with emerging literature examining how democratic leaders attack press freedom by verbally insulting media outlets and individual journalists. It aligns with the work of Solis and Sagarzazu (2020), who point out that while studies show that slandering the media is a way for governments to control information, fewer studies have examined verbal attacks aimed at undermining the credibility of critical media outlets. The findings of this dissertation establish that these

efforts may aim not only to intimidate reporters but also to discredit news media as an institution and erode its credibility among the general public.

Solis and Sagarzazu build on the work of VonDoepp and Young (2013), which describes verbal attacks in democracies specific to changing laws but does not connect them to damaging media credibility. Solis and Sagarzazu argue that verbal attacks are effective because they have the potential to cause citizens to question the legitimacy of news sources that publish negative news about the government. If the credibility of a media outlet diminishes, then citizens will take that outlet less seriously or even actively oppose it. The authors also explain the incentives for democracies to use these mechanisms, including the low cost of implementation and appearance of not overtly attacking media freedom, since it does not prevent the media from publishing content critical of the government.

This study builds on that strand of literature to focus on the harassment instruments employed by young, free democracies. This research explores off-line and online techniques aimed at intimidating journalists and slandering them publicly to erode their reputations and credibility among citizens, as detailed in Chapter 6. This study also finds that harassment is increasingly shifting to the internet, taking on a more aggressive and personal tone while becoming harder to connect to the government that orchestrated it.

This shift, identified in the case studies, is in line with research that points to online harassment against journalists becoming widespread in the digital era (*Miller & Lewis, 2020*) and declining levels of trust in media, which is

## Chapter 7 | Theoretical Implications

considered to be at a historic low (*Edelman Trust Barometer, 2021*). This exponential increase in online harassment can be explained in part by the fact that journalists, to engage with and understand their audiences, have become more visible during the digital era (*Nelson, 2018*). However, this visibility is making reporters more vulnerable to trolls (*Waisbord, 2020; Reporters Without Borders, 2018*), and recent research increasingly reveals concerted and organized efforts to delegitimize them (*Carlson, 2018*).

Nyst and Monaco (2018) developed a framework that focuses on how government attacks seek to control information since the digital revolution. Their analysis of several case studies, mostly illiberal regimes, reveals that state-sponsored trolling attacks have common features: (a) Targets are primarily journalists and activists critical of the government; (b) Messages seek to create distrust in mainstream media, often accusing them of having foreign connections or committing acts of treason; and (c) Bots and algorithms are used to amplify attack messages. They also find the state responsible to various degrees, from directly executing the trolling harassment to coordinating, instigating or endorsing the actions and messages of trolls. Reporters Without Borders (2018) documents the use of these tools in various authoritarian regimes, as well as in countries where democracy is deteriorating.

This study aligns with this research but has a highly significant finding that points to what could be a wider problem. In at least one case study, a free democratic government was found to have employed the systematic use of government-financed online trolls as a central part of its strategy to influence press freedom. Trolls were used to intimidate and defame journalists to

influence their editorial decisions. This is important because it means that this type of activity can take place in countries that are not considered partly free, illiberal democracies. A possible reason this can occur in countries considered free democracies is the covert nature of the instrument, which makes it hard to connect to the government since the identities of trolls are hard to establish (*Reporters Without Borders, 2018*) and their activities are often not part of the official state structure.

According to reporters interviewed for this study, an increased number of personal online insults and threats appeared to stem from both humans and bots programmed to deliver specific content. Government-paid trolls can create thousands of fake accounts and profiles that can be deployed rapidly. It is also possible to program algorithms that react to certain keywords by posting content with the intention of harassing a reporter. As Chapter 6 shows, some journalists regularly experience high levels of troll attacks when they start their program, publish a news article or write about certain topics criticizing the government.

Additional avenues for research can establish whether these types of harassment instruments are being more widely employed by other democracies that are still considered free but with declining press freedom, at what point they start to be employed, and to what extent they are used against the media. It would be appropriate to test it in countries with high levels of internet penetration and readership of digital news media that influence public opinion, such as the case studies in this research. Also, as a country nears the visibility threshold cited in Section 7.1, findings from the

## Chapter 7 | Theoretical Implications

two comparative case studies suggest that online harassment may become more overt, which can also be tested in other case studies.

This research does not include social media, as most social media channels, during the period under study, did not offer journalistic news content. While this study does not focus on those platforms, there is good reason to believe that mechanisms are being directed on social media. Recent research shows that individuals and political interest groups, in addition to governments, are increasingly using these platforms to spread disinformation to control the flow of information and restrain freedom of speech (*Bradshaw & Howard, 2019; Ong & Cabanes, 2019; Oxford Internet Institute, 2021*). International organizations also regularly denounce the use of social media platforms by governments to harass journalists to curtail press freedoms and editorial independence (*Reporters Without Borders, 2020; Committee for the Protection of Journalists, 2020*). This opens additional avenues for future work that can incorporate this element as well, as its relevance has increased significantly in discussions of media freedom over the past few years. Such research must deal with a much more complex structure (or non-structure) of volatile information and actors whose reliability, identity and origin are often difficult to establish. The opportunity for additional research to expand knowledge of this area is vast and particularly challenging.

# **8 CONCLUSION AND POLICY RECOMMENDATIONS**

## Chapter 8 | Conclusion and Policy Recommendations

### 8.1 Introduction

This inductive study examines how governments influence news media freedom in young democracies in the digital era. To that end, it explores the types of instruments democratic governments use to limit news media freedom, the extent to which they are employed against media outlets, and how they are used to influence the work of journalists. This research adds to the existing literature by providing empirical evidence from a comparative case study analysis of Argentina and Chile, identifying the use of new instruments designed or adapted for the digital age, as well as traditional mechanisms that are still popular. It finds that, unlike the more overt violations associated with authoritarian societies, such as assaults, imprisonments, internet shutdowns, and media outlet closures, democracies seeking to curtail press freedoms use subtle economic pressure instruments and nonphysical harassment techniques that are harder for the public to detect but still interfere with editorial independence. These measures are early signs of declining levels of media freedom, which, if left unchecked, can become important catalysts for the erosion of press freedom on a larger scale.

This study also contributes the use of a mixed method analysis, as it combines various qualitative and quantitative techniques into a four-dimensional methodological approach to detect infringements on press freedom. This multilayer approach covers the: (1) Review of policy documents and reports from international organizations that monitor news media freedom; (2) Design, execution, and analysis of a digital news media survey; (3) Assessment of the media-related legal and regulatory framework

in both countries; and (4) Development of an interview questionnaire, which was used to conduct in-depth interviews with subject-matter experts in both countries. This approach can provide guidance for other researchers who explore similar questions in other case studies where hard evidence can be difficult to gather due to the intentional subtlety of the policy tools used.

This chapter describes the puzzle that drove this research and the methodological approach in Section 8.2, summarizes empirical findings in Section 8.3, extracts the theoretical implications of this research in Section 8.4, and presents a conclusion in Section 8.5. The chapter also provides policy recommendations emanating from the investigation of the two case studies in Section 8.6.

### 8.2 Research Puzzle and Methodological Approach

There is little disagreement between scholars and democracy theorists and activists that media freedom is an important pillar of modern democracies (*Sen, 2009*). Media freedom requires independent news media outlets to be able to freely investigate and report on government policies, whether positively or negatively (*UNESCO, 2014*). These two aspects—democracy and news media freedom—have often been assumed to have an intrinsic link (*Whitten-Woodring & Van Belle, 2017*), but by the mid-2010s, international watchdog organizations had received several reports of a new reality: The existence of democratic countries with declines in press freedom. The main motivation behind this dissertation is the puzzle of limited media freedom in free democratic societies, with a particular focus on how this freedom is being curtailed.



## Chapter 8 | Conclusion and Policy Recommendations

The primary goal of this research, therefore, lies in uncovering how governments influence news media freedom in young democracies in the digital era. Connected to this are the subquestions of what the main categories of instruments used to curb media freedom are, what the main individual instruments used in each category are, and how governments employ those instruments in their interactions with the media to exert influence over their editorial content. To answer these questions, a mixed-method, multilayered research approach was employed, using Freedom House data to establish an initial identifier of democratic governments with partly free media environments.

To explore this puzzle, this research compares Argentina and Chile, two neighboring young democracies with similar historical and political characteristics and a distinct difference in their degrees of media freedom. This case study comparison helps determine how policy instruments can be used to limit media freedom in countries widely considered free democracies.

This study begins with an examination of policy documents and reports from international organizations that monitor news media freedom. It then presents the results of a survey with journalists who worked in one of the two case study countries during the relevant period to identify the main instruments and policy tools used and how they were applied. The research continues with a thorough review of the media-related legal and regulatory environment in each country to confirm that this is not a key source of restrictions on media freedom; it then corroborates the main policy instruments identified in the journalist survey through expert interviews.

These efforts reveal the main categories of instruments used to curb media freedom in democratic societies.

### 8.3 Empirical Findings

The findings of this research show that some young free democracies employ subtle instruments that encroach on press freedoms, with the preferred instruments falling into the categories of economic pressure tools and nonphysical harassment. The economic pressure mechanisms are divided into two subcategories: (A) Use of state advertising to influence editorial content; and (B) Economic pressure on private sector companies to withdraw advertisements from news media critical of the government, each consisting of several specific pressure instruments. The nonphysical harassment of journalists to influence editorial content also entail various pressure instruments, and it occurs both offline and on the internet, including via the use of paid online trolls.

All mechanisms, however, have one thing in common. They are subtle and hard for the general population to perceive, and typically can be implemented under the public's radar. When used together, these mechanisms have been found to effectively exert pressure on news media, at a time when the digital transformation has wrought financial havoc in the media industry. This has made news outlets more susceptible to government pressure instruments. Ultimately, these actions amount to indirect censorship, which weakens press freedom.

### 8.4 Theoretical Implications

The findings of the study show that subtle instruments of media control can be an early sign of declining levels of media freedom in free democracies. If not countered, these mechanisms can continue to erode press freedom, one of the main pillars of democracy. Considering reports about formerly free democracies, which experienced sufficient democratic backsliding in recent years to fall into the partly free category, reveals a wider theory. Governments that move from free to illiberal democracies are likely to curb media freedom to help them remain in power. They will likely have employed subtle methods to limit press freedom and continue to do so until they reach the point where their restraints on democracy and attacks on media freedom cannot be overlooked. At this point, political leaders may be able to act as if or even publicly announce that their government is now an illiberal democracy. They would be able to do so because they will have gained enough control over news outlets to not fear a media outcry or media-triggered public opposition to their actions. Until crossing that threshold, however, these governments are likely to use the subtle instruments found in this research to avoid threats to their pursuit of power.

### 8.5 Conclusion

The empirical findings of this research lead to a central conclusion: Even free democracies, and especially young ones, can and do use subtle tools that are difficult for the public to detect to curb media freedom and maintain power. Preferred instruments are from the categories of economic pressure and nonphysical harassment, including both traditional methods that are still relevant and newer ones developed for the digital era. Employing these tools

## Chapter 8 | Conclusion and Policy Recommendations

inevitably leads to an erosion in media freedom, which can easily translate into reduced levels of democratic freedom. This pattern of employing subtle control measures against news outlets remains largely in the shadows until the media has been brought under sufficient government control to reduce the risk of a media-triggered public backlash.

When a government has used these subtle tools over some time, it becomes possible for it to openly embrace the principles of an illiberal democracy. This “visibility threshold” does not directly correspond to when a country started curbing press freedoms or having a partly free media environment, which tends to happen earlier; rather, it happens when the country has begun to employ overt instruments against news outlets as it embraces aspects of illiberal democracy.

This is why the state of media freedom in any society needs to be closely and constantly monitored by the society itself. Media freedom can be at risk even in free democracies, and with it, the nation’s overall democratic freedom. Therefore, freedom must be defended through government policy, the oversight of nongovernmental organizations, and societal awareness and pressure on political leaders to maintain a free and open media environment, one in which independent journalism, and democracy itself, can thrive.

### 8.6 Policy Impact Recommendations

This research gives rise to three policy recommendations, which aim to address key issues relevant to advancing news media freedom and curtailing efforts within democratic governments to limit it.

## Chapter 8 | Conclusion and Policy Recommendations

- 1) International watchdog organizations should make identifying and counteracting the erosion of news media freedom in its early stages a priority.

Acting upon early detection of the gradual undermining of democratic freedoms is critical to stopping it from worsening. While some international watchdog organizations are monitoring news media freedom in free democracies, acting on those findings has been limited to producing reports and providing limited technical assistance. Most global efforts to address this issue primarily focus on countries where authoritarian and illiberal regimes have already progressed to jeopardizing the freedom and physical safety of journalists.

It is understandable why focus and resources of these efforts address more egregious government actions against the press, such as freeing a jailed journalist or denouncing the closure or hacking of a news outlet. However, subtle government pressure instruments, such as those described in this research, can also be detrimental to both press freedom and democracy and, if left unchallenged, can evolve into a greater erosion of press freedom and democracy that can become difficult to reverse (*Freedom House, 2020*). This is particularly true for young democracies. Even the European Union, which supports press freedom and includes it as a core value in the European Charter of Fundamental Rights, did not take significant concrete action with

its own member states, as shown by the infringement on press freedom by the Hungarian government.<sup>16</sup>

All representatives of Latin American divisions in international media freedom watchdog organizations interviewed for this research express frustration at not being able to do more. They point to lack of funding for in-country programs and an inability to dedicate more human resources to these issues in free democracies, especially young ones. There is currently a need for more rigorous systematic monitoring; in-country programs that support critical, independent news media; and ongoing pressure on governments at the international level. Committing to robust early responses to press freedom infringements in free democracies could help prevent further erosion and democratic backsliding that, once established, is difficult to reverse.

2) Development agencies should provide financial support to nascent digital-only news media outlets in democracies.

One of the surprising findings of this research was the lack of widely read digital-only news media outlets that cover government affairs and can shape public opinion. Most leading digital news media outlets in democracies in the developing world are traditional news outlets that migrated their content

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16. (European Federation of Journalists, 2019): “The Hungarian system of media control was deliberately designed to deter scrutiny and provide its rulers with superficial deniability. But this is not an excuse for the inaction of the European Union, whose procedures have failed to prevent a member state from openly and obviously undermining the media as a fully functioning element of democracy. Moreover, this lack of action has effectively given the Fidesz government an open door to export its illiberal media model throughout Central and Eastern Europe, endangering the independent press across the region. The message is that if Hungary can do away with independent media, others can, too, free from EU pressure.” <https://europeanjournalists.org/blog/2019/12/03/new-report-hungary-dismantles-media-freedom-and-pluralism/>

## Chapter 8 | Conclusion and Policy Recommendations

to the internet. Many of these large media outlets are backed by conglomerates that include companies with business interests in other sectors, which helps finance their news operations. This economic structure enables these outlets to better deal with financial strains, but their owners' interest in other business sectors can potentially interfere with editorial independence.

With few exceptions, independent, digital-only news outlets that influence public opinion on political affairs are found in countries with authoritarian regimes or partly free democracies, because they receive funding from the international donor community to operate. Even then, they are small and limited in their reach, and they are overshadowed by digital versions of traditional outlets that tend to be the opinion leaders. This funding generally does not reach countries categorized as free democracies, even when media freedom is under threat. Experts questioned on this matter believe insufficient funding results from a perception that additional funds are not needed in countries where the situation is not yet precarious for journalists.

To this end, international donors should increase funding for news media freedom and strategically allocate part of it to democracies with declining levels of media freedom. The financial help can come in the form of start-up grants, bridge financing, or interest-free loans. Technological support also can be provided, including the technical equipment, hosting services on international servers and data protection tools that can safeguard information. Such assistance could help solidify news outlets in their initial stages of development, enabling them to focus on quality investigative journalism to build credibility until a sustainable long-term financing option

## Chapter 8 | Conclusion and Policy Recommendations

can be arranged. Thus, international watchdog and civil society pressure groups can, with small investments, help stabilize endangered independent online media outlets, enabling them to grow to the point where they are less vulnerable to subtle government pressure. Domestic civil society organizations may themselves become subject to subtle but debilitating government pressure that can limit the effectiveness of their support.

3) Governments, parliaments, and international bodies should support legislation requiring internet platforms (i.e., Google, Facebook) to compensate news media outlets for their content.

The future of financing for news media outlets could be changed by political support for legislation that requires large internet platforms, such as Facebook and Google, to pay media outlets for their content, which the platforms monetize via advertising revenues. These companies currently use content produced by media to attract viewers, generating clicks that translate into profits for themselves. With few exceptions, the publications that developed the material never see any of the money generated by their original work. Online platforms have become the main distributors of information worldwide, a role formerly filled by non-digital media. This has made it more difficult for news outlets to access their former main source of revenue—advertising.

This issue should be addressed globally, as it is one of the biggest challenges to news media freedom in the digital era. News media outlets, especially small and medium independent ones, either go bankrupt, start relying on government funding, or are absorbed by conglomerates because they cannot



## Chapter 8 | Conclusion and Policy Recommendations

pay their reporters. Paying for content developed by news outlets or independent journalists is not only fair but also will help digital news outlets realize financial independence and thus maintain their editorial independence.

This is not a zero-sum game. There is value for all involved. The tech giants can be part of the answer, but the way they operate today is part of the problem. Conducting good investigative journalism requires resources and time. If those who put in the time to do it cannot be fairly compensated for their own work, then they will continue to be vulnerable to economic pressure tools that impede their editorial independence. When independent journalism begins to expire, democracy starts to decay.

# ANNEX A. ERCIC APPROVAL



Faculty of Humanities and Sciences  
Faculty Board  
Postbus 616  
6200 MD Maastricht

*Ethical Review Committee Inner City*

*Our reference*  
ERIC\_060\_08\_01\_2018

*Maastricht*  
22 February 2018

Dear Board,

After examination of the research study protocol regarding “Partly-Free” Media in “Free” Democratic States: Case studies from Latin America’, submitted by Mindel van de Laar, the Ethical Review Committee Inner City faculties (ERIC) came to the conclusion that there are no objections to the execution of the research project.

Any changes in the research design require a renewed review by the ERIC.

Yours sincerely,

Prof. W. Bijker  
Chair

Dr. N. Reslow  
Secretary

CC Mindel van de Laar; Erich de la Fuente

**ERIC**  
Chair: W. Bijker  
Secretary: N. Reslow  
Tel: 043 388 4834  
Email: [ercic@maastrichtuniversity.nl](mailto:ercic@maastrichtuniversity.nl)  
URL: <https://www.maastrichtuniversity.nl/ercic>



# ANNEX B. SURVEY QUESTIONNAIRE

## English

Age

Gender:

News Media Outlet:

Country:

### Regulatory Framework

1. **In your opinion, do the laws and regulations of your country comply with Article 19 of the Universal Declaration of Human Rights? (Article 19. “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”)**

YES	Not completely	NO
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2. **In your opinion, do you agree with this statement: The laws and regulations – if any – are designed to protect news media freedom in your country.**

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
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3. **On a scale from 1-7, with 1 being “no restrictions” and 7 being “total restrictions”, do laws and/or regulations place restrictions on digital news media and/or blogger’s ability to conduct news reporting?**

1	2	3	4	5	6	7
---	---	---	---	---	---	---

4. **In your opinion, do you agree with this statement: Internet and/or telecommunications laws in your country place restrictions on journalists/bloggers' ability to post material on the web?**

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
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5. **In your opinion, how often are digital news media outlets and/or journalists/bloggers penalized as a result of the content they publish?**

Never	Rarely	Sometimes	Frequently	Always
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6. **If your answer to the previous question was: Rarely, Sometimes, Frequently or Always, what type of penalties do you observe as the most common? Please choose one option:**

- Monetary fine
- Legal sanction
- Arrest of journalists/bloggers
- Threats to environment for bloggers (readers that quote blogs, companies that advertise, etc.)
- Confiscation of equipment
- Excessive administrative requirements
- Other: \_
- I do not know

7. **In cases where a digital news media and/or blogger is charged in court based on editorial coverage and content, what is the most common law or regulation cited by authorities? Please choose one option:**

- Libel and defamation
- National Security
- National Secrecy

Treason
Inciting violence
Anti-terrorism
Other:
I do not know

**Threats and Harassment**

8. **On a scale from 1-7, with 1 being “Never” and 7 being “Always”, are journalists and/or bloggers who are critical of the government harassed and/or subject to intimidation based on what they write?**

1	2	3	4	5	6	7
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9. **On a scale from 1-7, with 1 being “Never” and 7 being “Always”, do government authorities either hack, temporarily block/shut down/cause technical difficulties to digital news sites/blogs due to their news reporting?**

1	2	3	4	5	6	7
---	---	---	---	---	---	---

10. **In your opinion, do you agree with this statement:  
Journalists/bloggers work in an environment where they worry about losing their job due to the political tone of their news reporting.**

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
----------------	-------	----------------------------	----------	-------------------

**11. In your opinion, do you agree with this statement: It is difficult for a digital newsjournalist/blogger to obtain a job after he/she has been fired by another news organization because his/her news reporting was critical of the government.**

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree

**Economic Factors**

**12. In your opinion, what is the estimated percentage of digital news media outlets in your country owned by the state or pro-government private groups?**

Less than 10%
Between 11-30%
Between 31-50%
Between 51-70%
Between 71-90%
More than 90%
I do not know

**13. In your opinion, do you agree with this statement: The government in your country exerts economic pressure on private internet providers and/or mobile operators to influence their news distribution.**

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree

**14. In your opinion, does the government arbitrarily provide or withdraw advertising/subsidies to digital news outlets with the intent to influence editorial decisions?**

Never	Rarely	Sometimes	Frequently	Always
-------	--------	-----------	------------	--------

**15. On a scale from 1-7, with 1 being “No pressure” and 7 being “Strong pressure”, does the government exert pressure on private companies to withdraw advertising from digital news outlets that criticize the government?**

1	2	3	4	5	6	7
---	---	---	---	---	---	---

**Editorial Content**

**16. On a scale from 1-7, with 1 being “Never” and 7 being “Always”, how often do digital news publications change their editorial line due to government pressure?**

1	2	3	4	5	6	7
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**17. Are you or the news media organization you work for held responsible for the readers’ comments of your articles?**

Never	Rarely	Sometimes	Frequently	Always
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**18. On a scale from 1-7, with 1 being “Never” and 7 being “Always”, do digital news publications take down online content after publication due to pressure from authorities?**

1	2	3	4	5	6	7
---	---	---	---	---	---	---



Annex B | Survey Questionnaire

**19. In your opinion, do you agree with this statement: Digital news outlets/bloggers at times cease from pursuing or publishing certain news stories because of fear of reprisals.**

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree

**20. In your opinion, do you agree with this statement: Digital news media outlets experience a change in their editorial line after pro-government private groups acquire a majority ownership stake?**

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree

## Spanish

Antes de contestar el cuestionario a continuación, queremos asegurarnos de que usted haya recibido, leído y entendido el contenido de la carta, la cual explica el propósito del estudio. Esta carta garantiza el tratamiento confidencial y anónimo de la información de los participantes, la cual se almacenará en un sitio seguro. Quisiéramos pedirle que confirme su participación voluntaria en la encuesta y que nos permita usar la información recolectada para el propósito del estudio.

- Sí, doy mi consentimiento  
 No, me abstengo a dar consentimiento

Edad:

Género:

Nombre del medio en el que usted trabaja o trabajaba:

País:

### Marco regulatorio

- En su opinión, ¿cree que las leyes y normas de su país cumplen con el Artículo 19 de la Declaración Universal de los Derechos Humanos? (Artículo 19. “Todo individuo tiene derecho a la libertad de opinión y de expresión; este derecho incluye el no ser molestado a causa de sus opiniones, el de investigar y recibir informaciones y opiniones, y el de difundirlas, sin limitación de fronteras, por cualquier medio de expresión”).**

Sí	No en su totalidad	No

2. **En su opinión, ¿está de acuerdo con la siguiente afirmación?: Las leyes y normas de su país –si las hubiera- han sido diseñadas para proteger la libertad de los medios de comunicación.**

Totalmente de acuerdo	De acuerdo	Ni estoy de acuerdo ni estoy en desacuerdo	En desacuerdo	Totalmente en desacuerdo

3. **En la escala del 1 al 7, donde 1 representa “ninguna restricción” y 7 representa “restricciones totales”, ¿las leyes y/o normas de su país ponen restricciones a la capacidad de los medios de comunicación digital y/o de bloggers de transmitir noticias?**

1	2	3	4	5	6	7

4. **En su opinión, ¿está de acuerdo con la siguiente afirmación?: las leyes que regulan Internet y/o las telecomunicaciones en su país restringen la capacidad de los periodistas y/o bloggers de publicar materiales en la web.**

Totalmente de acuerdo	De acuerdo	Ni estoy de acuerdo ni estoy en desacuerdo	En desacuerdo	Totalmente en desacuerdo

5. **En su opinión, ¿con qué frecuencia los medios de comunicación digital y/o los periodistas/bloggers han sido sancionados como consecuencia del contenido que publican?**

Nunca	Ocasionalmente	A veces	Con frecuencia	Siempre

6. Si la respuesta a la pregunta anterior fue **Ocasionalmente**, **A veces**, **Con frecuencia** o **Siempre**, ¿qué tipo de sanción cree que es la más común? Por favor elija una opción:

<input type="checkbox"/>	Multa
<input type="checkbox"/>	Sanción legal
<input type="checkbox"/>	Arresto de periodistas y/o bloggers
<input type="checkbox"/>	Amenazas al entorno de los periodistas y/o bloggers (ej: compañías que hacen publicidad, etc.)
<input type="checkbox"/>	Confiscación de equipos
<input type="checkbox"/>	Requisitos administrativos excesivos
<input type="checkbox"/>	Otros: _____
<input type="checkbox"/>	Desconozco

7. En los casos en que los medios de comunicación digital y/o bloggers son acusados ante un tribunal por su cobertura y contenido editorial, ¿cuáles son las leyes o normas más comunes que aplican las autoridades? Por favor elija una opción:

<input type="checkbox"/>	Injuria y difamación
<input type="checkbox"/>	Seguridad Nacional
<input type="checkbox"/>	Secreto Nacional
<input type="checkbox"/>	Traición
<input type="checkbox"/>	Incitación a la violencia
<input type="checkbox"/>	Antiterrorismo
<input type="checkbox"/>	Otros: _____
<input type="checkbox"/>	Desconozco

### Amenazas y hostigamiento

8. En la escala del 1 al 7, donde 1 representa “Nunca” y 7 representa “Siempre”, ¿son los periodistas y/o bloggers críticos del gobierno hostigados y/o sujetos a intimidación como consecuencia de lo que escriben?

1	2	3	4	5	6	7
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. En la escala del 1 al 7, donde 1 representa “Nunca” y 7 representa “Siempre”, ¿las autoridades gubernamentales hackean, bloquean temporáneamente / desconectan / causan dificultades técnicas a los sitios web perteneciente a medios de comunicación y/o blogs debido a sus reportes de noticias?

1	2	3	4	5	6	7
---	---	---	---	---	---	---

10. En su opinión, ¿está de acuerdo con esta afirmación?: los periodistas y/o bloggers trabajan en un entorno en el que existe preocupación por perder su trabajo debido al tono político de sus reportes de noticias.

Totalmente de acuerdo	De acuerdo	Ni estoy de acuerdo ni estoy en desacuerdo	En desacuerdo	Totalmente en desacuerdo
-----------------------	------------	--	---------------	--------------------------

11. En su opinión, ¿está de acuerdo con esta afirmación?: Es difícil para un/una periodista de medios digitales y/o blogger obtener trabajo después de haber sido despedido/despedita por otro medio de comunicación porque algún informe era crítico del gobierno.

Totalmente de acuerdo	De acuerdo	Ni estoy de acuerdo ni estoy en desacuerdo	En desacuerdo	Totalmente en desacuerdo
-----------------------	------------	--	---------------	--------------------------

### Factores económicos

12. En su opinión, ¿cuál es el porcentaje estimado de medios de comunicación digital en su país que son propiedad del estado o de grupos privados progubernamentales?

Menos del 10%
Entre el 11-30%
Entre el 31-50%
Entre el 51-70%
Entre el 71-90%
Más del 90%
Desconozco

13. En su opinión, ¿está de acuerdo con la siguiente afirmación?: el gobierno de su país ejerce presión económica sobre los proveedores privados de Internet y/u operadores móviles para influenciar la distribución de noticias de los mismos.

Totalmente de acuerdo	De acuerdo	Ni estoy de acuerdo ni estoy en desacuerdo	En desacuerdo	Totalmente en desacuerdo

14. En su opinión, ¿ofrece o quita el gobierno arbitrariamente subsidios estatales o publicitarios a los medios de comunicación digital con la intención de ejercer influencia en las decisiones editoriales?

Nunca	Ocasionalmente	A veces	Con frecuencia	Siempre

15. En la escala del 1 al 7, donde 1 representa “Ninguna presión” y 7 “Fuerte presión”, ¿ejerce el gobierno presión sobre compañías privadas para retirar sus pautas publicitarias en los medios de comunicación digital que critican al gobierno?

1	2	3	4	5	6	7
---	---	---	---	---	---	---

**Contenido editorial**

16. En la escala del 1 al 7, donde 1 representa “Nunca” y 7 representa “Siempre”, ¿con qué frecuencia las publicaciones de comunicación digital cambian su línea editorial debido a la presión del gobierno?

1	2	3	4	5	6	7
---	---	---	---	---	---	---

17. ¿Ha sido usted o el medio de comunicación para el que trabaja responsabilizado por los comentarios de los lectores de sus artículos?

Nunca	Ocasionalmente	A veces	Con frecuencia	Siempre
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18. En la escala del 1 al 7, donde 1 representa “Nunca” y 7 representa “Siempre”, ¿los medios de comunicación y/o bloggers retiran contenido online una vez publicado debido a la presión de las autoridades?

1	2	3	4	5	6	7
---	---	---	---	---	---	---

19. En su opinión, ¿está usted de acuerdo con esta afirmación?: algunas veces los medios de comunicación digital y/o bloggers desisten de investigar o publicar ciertas noticias por temor a represalia.

Totalmente de acuerdo	De acuerdo	Ni estoy de acuerdo ni estoy en desacuerdo	En desacuerdo	Totalmente en desacuerdo
-----------------------	------------	--	---------------	--------------------------

20. **En su opinión, ¿está de acuerdo con la siguiente afirmación?:  
 los medios de comunicación digital experimentan un cambio en  
 su línea editorial después de que los grupos privados  
 progubernamentales adquieren una participación  
 mayoritaria?**

Totalmente de acuerdo	De acuerdo	Ni estoy de acuerdo ni estoy en desacuerdo	En desacuerdo	Totalmente en desacuerdo





# **ANNEX C. SUMMARY OF THE MAIN RELEVANT COURT CASES AND LEGAL RULINGS CONCERNING MEDIA FREEDOM IN ARGENTINA AND CHILE (2000–2015)**

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## **Case 1: *Kimel v. Argentina* (Inter-American Court of Human Rights)**

The court ruling in this case led to Law 26.551 in Argentina, amending Articles 109 and 117 of the national criminal code to end criminal sanctions for slander and false accusations (*Global Freedom of Expression, 2008*).

Journalist Eduardo Kimel published *The San Patricio Massacre*, a book detailing his investigation into the assassinations of several priests. In it, he noted that judges serving during the military dictatorship did not aid the investigation. Federico Guillermo Rivarola, a federal judge involved in the case, opened a complaint against Kimel for the crime of false accusation in his book. A lower court sentenced Kimel to a year in prison and a fine of \$20,000 Argentine pesos for nonmaterial damages. Kimel then brought the case to the Chamber of Appeals, which ruled in his favor, saying he had the right to inform. However, Rivarola appealed to Argentina's Supreme Court, which ruled that the lower court had not accurately interpreted the law. A new trial overturned the case in favor of Rivarola.

Kimel's case was appealed to the Inter-American Court of Human Rights, which ruled that the Argentine State had abused its punitive power and that

## Annex C | Relevant Court Case and Legal Rulings

its final ruling violated the journalist's freedom of expression. It ordered the Argentine State to: (a) compensate the journalist for material and nonmaterial damages suffered, (b) annul the criminal judgment and its record, and (c) undertake a legislative reform of the criminal laws protecting honor and reputation to bring the country's domestic law in line with the American Convention on Human Rights (ACHR).

This ruling led to amendments of the Argentine criminal code to remove criminal sanctions for false accusation and slander. Consequently, journalists were empowered to conduct investigative reporting of public officials, because not only had the potential retribution against them been reduced, but Kimel's Supreme Court case could potentially serve as a guideline for future cases.

Source: Inter-American Court of Human Rights, Case Number Series C No.197, May 2, 2008.

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### **Case 2 *Editorial Río Negro S.A. v. Province of Neuquén* (Supreme Court of Argentina)**

This legal judgment was based on Article 13 of the ACHR, as Argentine domestic law lacked precise language on the topic. The case was related to discriminatory government practices using state advertising to influence editorial content (*Global Freedom of Expression, 2007*).

Editorial Río Negro sued the provincial government of Neuquén, claiming it arbitrarily withdrew state advertising in retaliation for critical editorial coverage. The media outlet had reported that relatives of the Neuquén governor paid bribes to ensure several judges, who the governor trusted,

## Annex C | Relevant Court Case and Legal Rulings

were appointed to the province's High Court of Justice. The government countered by saying that its new advertising distribution, which excluded Editorial Río Negro, was based solely on financial considerations.

The High Court of Justice of the Province of Neuquen ruled in favor of the Government of Neuquen Province, indicating that no specific law obligated the government to place its advertising with any specific media. The Editorial Río Negro media group then appealed to Argentina's Supreme Court.

Lacking precise language in Argentine law on this issue, the Supreme Court based its decision on Article 13 of the ACHR, asserting that the government intended to censor the media group and limit its freedom of expression and information using indirect, subtle means.

Source: Supreme Court of Argentina Case No. 330:3908, May 9, 2007.

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### **Case 3: *Claude Reyes v. Chile* (Inter-American Court of Human Rights)**

This legal case relates to Freedom of Expression. The ruling in the case led to adoption of the Chilean national law guaranteeing citizen access to public information (*Global Freedom of Expression, 2006*). In this case, the Inter-American Court on Human Rights ruled that Chile violated the rights to freedom of expression, due process and judicial protection.

Nongovernmental organization representatives Marcel Claude Reyes, Sebastian Cox Urrejola and Arturo Longton Guerrero asked Chile's Foreign Investment Committee for information on the Trillium forestry company and the Río Condor project, which involved deforestation that could harm Chile's environment. The Committee refused to grant access to the

## Annex C | Relevant Court Case and Legal Rulings

information, so the plaintiffs presented the case to the Santiago Court of Appeals, alleging violation of their rights to freedom of expression and access to public information. The Court of Appeals ruled the case inadmissible, as did the Supreme Court of Justice.

The petitioners then appealed to the Inter-American Court of Human Rights in 2005, which ruled that the Chilean State had violated the ACHR, which the country had ratified. It also found that the victims had not been granted their rights to access public information or judicial protection. The ruling included an order for the State of Chile to deliver the requested information and to adopt legislative measures to guarantee access to public information. As a result, Chile passed legislation that year guaranteeing all citizens access to public information.

Source: Inter-American Court of Human Rights, Case Number Series C No.151, September 16, 2006.

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### **Case 4: *Editorial Perfil S.A. & others v. Estado Nacional* (Supreme Court of Argentina)**

This case relates to news media freedom and discriminatory government practices using state advertising to influence editorial content (*Global Freedom of Expression, 2011*).

Editorial Perfil S.A. and Diario Perfil S.A. sued the Argentine government for discriminatory withdrawal of advertising in retaliation for publishing editorial coverage critical of the government. The plaintiffs argued that official state advertising was used as a hidden tool to inflict economic punishment and indirectly restrict freedom of expression for the news media.

## Annex C | Relevant Court Case and Legal Rulings

The government countered by claiming it was under the executive branch's purview to decide, at its discretion, the placement of state advertising and that it did not violate any existing laws. It further said that it was not the government's responsibility to finance private companies.

The Supreme Court decided in favor of the media companies, ruling that the executive branch did not prove the rationale behind its state advertising distribution. Its actions were considered an indirect way of curtailing news media freedom and freedom of expression. The Court also ordered the government to use a balanced state advertising distribution method going forward.

The Supreme Court decision was consistent with its earlier ruling in Case 2: *Editorial Rio Negro S.A. v. Province of Neuquen*. In both cases, the Court ruled in favor of the media groups, limiting the government's legal mechanisms to curtail news media freedom.

Source: Supreme Court of Argentina Case No. 334:109, March 2, 2011.

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### **Case 5: *Arte Radiotelevisivo Argentino S.A. v. Estado Nacional* (Supreme Court of Argentina)**

The ruling in this case related to news media freedom and discriminatory government practices regarding the use of state advertising to influence editorial content (*Global Freedom of Expression, 2014*).

This case considered whether the government of Argentina violated the freedom of expression of Arte Radiotelevisivo Argentino (ARTEAR), a TV production and distribution company owned by the Clarín Group, by

## Annex C | Relevant Court Case and Legal Rulings

arbitrarily denying it state advertising to influence its editorial content. ARTEAR filed a complaint, saying that distribution of government advertising was discriminatory and discretionary and that it was penalizing them to influence their editorial content.

The media company obtained a favorable ruling from the appellate tribunal, which ruled that the state had violated the right to freedom of the press through the arbitrary placement of government advertising. The decision referenced earlier decisions from both the *Editorial Rio Negro S.A. v. the Government of Neuquen* and *Editorial Perfil v. Argentina*.

The government appealed to the Supreme Court, claiming it had the right to decide where to place its advertising. The Court affirmed the appellate tribunal's ruling in favor of the media company. It acknowledged the government's right to decide whether to place advertising, but also found that it could do so only if it did not manipulate its advertising placements in a discriminatory manner and did not use it as an indirect form of censorship. In upholding the decision in favor of ARTEAR, the Supreme Court's judgment made it clear that the government had disregarded both these standards.

Source: Supreme Court of Argentina Case No. A. 925. XLIX, February 11, 2014.

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### **Case 6: *Silvia Baquero Lazcano v. Editorial Rio Negro S.A.* (Supreme Court of Argentina)**

This case relates to freedom of the press, freedom of expression, and the ban on prior censorship (*Supreme Court of Argentina, 2003*).

## Annex C | Relevant Court Case and Legal Rulings

Judge Silvia Baquero applied for a job which she did not get. Editorial Río Negro media group published an article on it. After the article was printed, Baquero filed a lawsuit for violation of privacy and defamation. The case went to the country's lower court, where Editorial Río Negro was found guilty of violating Baquero's right to privacy.

The media group took the case to the Supreme Court, which ruled that there was no defamation or violation of Baquero's right to privacy in this case, as it was not proven that Editorial Río Negro intended to harm Baquero. The article published was about an event of public interest, so the lower court's ruling resulted in undue restriction of freedom of expression. The case was sent back to the lower court to rule again, based on the guidelines set forth by the Supreme Court. Upon a second review, the lower court ruled in favor of the Editorial Río Negro media group.

Source: Supreme Court of Argentina Case No. B.1336, October 14, 2003.

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### **Case 7: *Cordero v. Lara* (Supreme Court of Justice of Chile).**

This case relates to freedom of expression and the right to privacy (*Global Freedom of Expression, 2013*).

Journalists from television network Chilevisión used hidden cameras to investigate and expose the provision of fraudulent medical certificates by psychiatrists. The journalists recorded the medical visits, during which they received medical certificates for diseases they did not have, then later ran the story on the news program. One of the psychiatrists who appeared in the



## Annex C | Relevant Court Case and Legal Rulings

videos, Dr. Maria Cordero, filed criminal charges against the journalists for violating her privacy.

The trial judge ruled that the journalists and producers who conducted the investigative report were guilty of the crime of violation of privacy. They were sentenced to 61 days of imprisonment and ordered to pay a fine and compensatory payment to the psychiatrist for pain and suffering inflicted. The journalists appealed the case, but the Court of Appeals upheld the court's ruling.

The journalists then appealed to Chile's Supreme Court of Justice. They argued that any public document or conversation that compromises public interest is not private, and if they had not exposed these fraudulent actions, they would have continued to occur. The Supreme Court overturned the lower court's original judgment, acquitting the journalists of the crime of violation of privacy. The Supreme Court declared that the presumption of privacy disappears when revealing that a crime of public interest took place. Through their right to information, the Court determined that the journalists could disclose conversations to expose misdeeds of public interest.

Source: Supreme Court of Chile Case No. 8393-2012, August 21, 2013.

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### **Case 8: *Dimter v. Bonnefoy* (Supreme Court of Justice of Chile)**

This case relates to the freedom of information law and news media freedom (*Observatorio para la Protección de los Defensores de Derechos Humanos, 2010*).

## Annex C | Relevant Court Case and Legal Rulings

Edwin Dimter, a retired military officer who was active during the Pinochet regime, filed a libel lawsuit against Pascal Bonnefoy, a journalist for newspaper *La Nación*, for publishing an article saying that several witnesses, including military officers and political prisoners, identified Dimter as one of the individuals involved in the murder of professor and songwriter Víctor Jara. Dimter pressed criminal charges against Bonnefoy, claiming the false attribution of this crime was discrediting him.

A lower court dismissed the criminal charges against the journalist based on the testimony of the four witnesses. The court concluded that the journalist's conduct consisted only of interviewing and gathering information, and that the journalist did not actually say that Edwin Dimter committed the crime. The court also ruled that the journalist did not intend to dishonor, discredit or cause harm to another person. The Supreme Court confirmed the lower court's decision, dismissing the case in May 2010.

Source: Supreme Court of Chile Case No. 1369-2010, May 18, 2010.



# **ANNEX D. INTERVIEW PROTOCOL AND GUIDE**

## **Interview Protocol**

Purpose of study – The information obtained in this questionnaire will be used to conduct a research study for the UNU/Maastricht Graduate School of Governance.

Topic – The use of government pressure instruments to influence news media freedom.

Duration of interview – 60 minutes.

Procedure – Interview will take place face-to-face either in person or via a videoconference call (Skype; Google Hangout).

Confidentiality - Respondent will be asked to sign a consent form/confidentiality statement, informing them that the information shared will be confidential, only to be used for the purpose of research and his/her name or the news outlet they work for will not be used. In case of online interviews, we ask participants to confirm consent on tape, and send them the form electronically to be signed and scanned.

Place to hold the interview – Interviews will take place at a location where the interviewee feels comfortable and safe to answer the questions (offices, café, home or hotels). In the case of journalist, interviews should not take a

## Annex D | Interview Protocol and Guide

place inside the offices of any media company. All responses should be based on individual's opinion.

Recording interview – Respondent will be asked if he/she agrees with the conversation being recorded. I will also be taking notes, but since it is not possible to write everything, allowing me to record will ensure that I obtain all the information provided.

Right to stop interview/avoid a subject – Respondent will be told that he/she retains the right to not speak about any topic that he/she does not feel comfortable; interview can end at any point.

### Interviewer's information

Erich de la Fuente

PhD Fellow, Maastricht Graduate School of Governance/University of Maastricht

Tel: +1-305-606-8641

Email: [e.delafuente@maastrichtuniversity.nl](mailto:e.delafuente@maastrichtuniversity.nl)

### Academic institution's information

Maastricht Graduate School of Governance/University of Maastricht

Contact: Dr. Mindel van de Laar

Tel: +31-43-3884660

Email: [mindel.vandelaar@maastrichtuniversity.nl](mailto:mindel.vandelaar@maastrichtuniversity.nl)

Clarification – Respondent will be asked before starting the interview if there any questions regarding what I explained.

Agreement to participate – Respondent will be asked to confirm that he/she is willing to participate in this interview.

### **Interview Guide**

Before responding the survey, we want to ensure that you received, read, and understand the cover letter’s content, which explains the purpose of the study, and guarantees confidential and anonymous treatment of participant’s information and safe data storage. We would like to ask you to confirm that you are willing to voluntarily participate in the survey and allow us to use the information for the research study.

### **TOPICS**

#### **Economic Pressure Tools**

- What are the government’s practices in relation to providing or withdrawing advertising from news media outlets?
- When the government withdraws its advertising from a news outlet, how often do you think it is connected to editorial content critical of the government?
- How does government’s interactions with private companies influence the latter’s decision to place or withdraw advertising in news media outlets?
- What are the main pressure instruments applied to companies that do not comply with the government’s request to withdraw advertising from critical media?
- What are the principal resources of funding for news outlets? Does it differ based on the type of news outlet and/or where they are based?

## Annex D | Interview Protocol and Guide

- How much economic pressure (if any) does the state exert on private Internet providers and/or mobile operators to influence their news distribution?

### Threats and Harassment

- What types of government harassment and/or intimidation technique (if any) do critical journalists experience?
- If experiencing harassment, do you perceive a government shift to using online instruments to exert the pressure?
  - a. If so, which are the most typical instruments (use of trolls, hacking, etc.)
- If experiencing harassment from online trolls, do you think these are independent readers or do you think they are financed by the government?
  - a. What makes you think they are government financed? OR independent readers?
  - b. Do you think the trolls are human beings or bots? Combination of both?
- What kind of government response (if any) do journalists/media owners tend to receive after publishing or broadcasting a critical story about the government?
- Please compare the types of government pressure (if any) applied to Tier 1 and Tier 2 media outlets.
- Do you think that journalists work in an environment where they worry about losing their job based on the political tone of their news reporting? If so, please provide examples.
- Do you think that government authorities either hack, temporarily block/shut down/cause technical difficulties to digital media due to their news reporting?
  - a. If so, please describe.

### Legal and Regulatory Framework

- Do laws and/or regulations place restrictions on news outlets' ability to conduct news reporting? If yes, how?
- Are there specific laws to regulate Internet content?
  - a. If so, how do they regulate it?
- Are news media outlets and/or journalists penalized as a result of the content they publish?
  - a. If so, what are the most common type of penalties?
- When lawsuits, appeals, complaints involving government agencies and news media reach the courts:
  - a. How often do journalists/news organizations regularly win or lose?
  - b. Are the cases dismissed or normally allowed to be expired?
  - c. Do those cases end up in conviction?
- Do international organisms (i.e., International Court of Human Rights) provide an alternative legal mechanism to bring or appeal decision based on the international treaties ratified by your country? If so, how?

### Editorial Content

- Does the government interactions with news media influence decisions about editorial content? If so, how?
- What factors do journalists take into consideration when writing a critical story about the government?
- Do news outlets cease from pursuing or publishing/broadcasting certain news stories because of fear of reprisals?
  - a. If so, what type of stories?
  - b. If so, what type of reprisals?



## Annex D | Interview Protocol and Guide

- How often do news outlets change their editorial content due to government pressure?
    - a. If so, is the decision made before publishing the information? OR
    - b. Is the online content taken down after publication due to pressure by authorities?
    - c. What are possible reprisals if news outlets maintain their editorial stance?
- 

- Do you have any other comments?

**Thank the respondent for his/her time.**

# ANNEX F. INTERVIEW IDS AND CODE TABLES

## Experts Interviewed - ID Table

ID#	Role/Function	Country	Date of Interview
1	Academic 1	Argentina	March 2019
2	Academic 2	Argentina	March 2019
3	Academic 3	Argentina	March 2019
4	Academic 4	Argentina	March 2019
5	Academic 5	Argentina	March 2019
6	Academic 6	Argentina	March 2019
7	Academic 7	Argentina	March 2019
8	Media Owner 1	Argentina	March 2019
9	Media Owner 2	Argentina	March 2019
10	Media Owner 3	Argentina	March 2019
11	Media Owner 4	Argentina	March 2019
12	NGO 1	Argentina	March 2019
13	NGO 2	Argentina	March 2019
14	NGO 3	Argentina	March 2019
15	NGO 4	Argentina	March 2019
16	NGO 5	Argentina	March 2019
17	NGO 6	Argentina	March 2019
18	Gov 1	Argentina	March 2019
19	Gov 2	Argentina	March 2019
20	Gov 3	Argentina	March 2019
21	Gov 4	Argentina	March 2019
22	Gov 5	Argentina	March 2019
23	Business 1	Argentina	March 2019
24	Business 2	Argentina	March 2019
25	Business 3	Argentina	March 2019
26	Business 4	Argentina	March 2019
27	Business 5	Argentina	April 2019
28	Journalist 1	Argentina	March 2019
29	Journalist 2	Argentina	March 2019
30	Journalist 3	Argentina	April 2019
31	Journalist 4	Argentina	April 2019
32	Journalist 5	Argentina	March 2019
33	Journalist 6	Argentina	April 2019
34	Journalist 7	Argentina	March 2019
35	Journalist 8	Argentina	March 2019
36	Journalist 9	Argentina	March 2019

## Annex F | Interview IDs and Code Tables

<b>ID#</b>	<b>Role/Function</b>	<b>Country</b>	<b>Date of Interview</b>
37	Academic 1	Chile	April 2019
38	Academic 2	Chile	January 2019
39	Academic 3	Chile	January 2019
40	Academic 4	Chile	April 2019
41	Media Owner 1	Chile	January 2019
42	Media Owner 2	Chile	April 2019
43	Media Owner 3	Chile	April 2019
44	NGO 1	Chile	March 2019
45	NGO 2	Chile	January 2019
46	NGO 3	Chile	January 2019
47	NGO 4	Chile	January 2019
48	NGO 5	Chile	April 2019
49	Gov 1	Chile	January 2019
50	Gov 2	Chile	January 2019
51	Gov 3	Chile	January 2019
52	Gov 4	Chile	January 2019
53	Gov 5	Chile	January 2019
54	Gov 6	Chile	January 2019
55	Business 1	Chile	January 2019
56	Business 2	Chile	January 2019
57	Business 3	Chile	January 2019
58	Business 4	Chile	January 2019
59	Business 5	Chile	January 2019
60	Journalist 1	Chile	January 2019
61	Journalist 2	Chile	January 2019
62	Journalist 3	Chile	January 2019
63	Journalist 4	Chile	January 2019
64	Journalist 5	Chile	April 2019
65	Journalist 6	Chile	January 2019
66	Journalist 7	Chile	January 2019
67	International Organization 1	International	March 2019
68	International Organization 2	International	April 2019
69	International Organization 3	International	March 2019
70	International Organization 4	International	April 2019

# Argentina Code Table

## ARBITRARY USE OF STATE ADVERTISEMENT TO INFLUENCE EDITORIAL CONTENT

Identification	Male	Female	Providing advertisement to prop up government-friendly media	Withdrawing advertisement to pressure media critical of government	Creating media outlets via private groups to disseminate pro-government messages	Utilizing state media outlets to disseminate government propaganda	Funding journalists directly to influence their news reporting	Code Name (Rare Occurrence)	General mention of code group without specifying code name	TOTAL
ARG_Academic 1	X		4	2	3	2	0	0	6	17
ARG_Academic 2	X		1	1	1	0	0	0	0	3
ARG_Academic 3	X		0	5	1	0	1	0	4	11
ARG_Academic 4	X		1	2	1	0	0	1	5	10
ARG_Academic 5	X		1	0	0	0	0	0	7	8
ARG_Academic 6		X	0	0	0	0	0	0	1	1
ARG_Academic 7	X		3	2	2	0	4	0	6	17
ARG_Media Owner 1	X		1	1	0	0	0	0	1	3
ARG_Media Owner 2	X		1	3	3	1	0	0	4	12
ARG_Media Owner 3	X		0	5	0	0	0	0	0	5
ARG_Media Owner 4	X		4	6	4	0	0	0	5	19
ARG_NGO 1		X	4	0	3	1	0	0	2	10
ARG_NGO 2		X	0	0	0	0	0	0	1	1
ARG_NGO 3	X		8	1	6	2	1	0	4	22
ARG_NGO 4		X	1	0	1	0	0	0	4	6
ARG_NGO 5	X		0	0	0	0	0	0	4	4
ARG_NGO 6	X		0	0	0	0	0	0	1	1
ARG_Government Official 1	X		1	0	0	0	4	0	2	7
ARG_Government Official 2	X		5	3	0	0	1	0	4	13
ARG_Government Official 3	X		1	2	0	0	0	0	3	6
ARG_Government Official 4	X		2	0	2	0	0	0	2	6
ARG_Government Official 5	X		1	0	1	0	0	0	1	3
ARG_Business Executive 1	X		2	1	2	1	0	0	1	7
ARG_Business Executive 2		X	0	2	0	1	1	0	1	5
ARG_Business Executive 3	X		0	0	0	0	0	0	3	3
ARG_Business Executive 4		X	2	2	0	0	1	0	0	5
ARG_Business Executive 5	X		2	2	2	1	0	0	1	8
ARG_Journalist 1 - Tier 1/Trad-Dig Mix	X		2	1	1	2	2	0	0	8
ARG_Journalist 2 - Tier 2/Trad-Dig Mix	X		1	1	2	0	0	0	3	7

Annex F | Interview IDs and Code Tables

Identification	Male	Female	Providing advertisement to prop up government-friendly media	Withdrawing advertisement to pressure media critical of government	Creating media outlets via private groups to disseminate pro-government messages	Utilizing state media outlets to disseminate government propaganda	Funding journalists directly to influence their news reporting	Code Name (Rare Occurrence)	General mention of code group without specifying code name	TOTAL
ARG_Journalist3 - Tier 2/Digital Only	X		1	4	0	0	0	0	0	5
ARG_Journalist4 - Tier 2/Trad-Dig Mix	X		3	3	1	0	0	0	7	14
ARG_Journalist5 - Tier 1/Trad-Dig Mix	X		6	2	7	2	0	0	1	18
ARG_Journalist6 - Tier 2/Digital Only	X		3	1	1	0	0	0	0	5
ARG_Journalist7 - Tier 2/Trad-Dig Mix	X		1	1	1	0	0	0	1	4
ARG_Journalist8 - Tier 1/Trad-Dig Mix	X		0	2	0	0	1	0	1	4
ARG_Journalist9 - Tier 1/Trad-Dig Mix	X		0	1	1	0	1	0	1	4
			0	0	0	0	0	0	0	0
<b>TOTAL</b>			<b>62</b>	<b>56</b>	<b>46</b>	<b>13</b>	<b>17</b>	<b>1</b>	<b>87</b>	<b>282</b>
Average per person			1.7	1.6	1.3	0.4	0.5	0.0	2.4	7.8
Average per academic			1.4	1.7	1.1	0.3	0.7	0.2	4.1	9.6
Average per media owner			1.5	3.8	1.8	0.3	0.0	0.0	2.5	9.8
Average per NGO			2.2	0.2	1.7	0.5	0.2	0.0	2.7	7.3
Average per Govt. Official			2.0	1.0	0.6	0.0	1.0	0.0	2.4	7.0
Average per bus. Exec.			1.2	1.4	0.8	0.6	0.4	0.0	1.2	5.6
Average per journalist			1.9	1.8	1.6	0.4	0.4	0.0	1.6	7.7

The numbers in the table reflect the number of occasions on which a certain issue was mentioned.

## ECONOMIC PRESSURE ON COMPANIES TO WITHDRAW ADVERTISEMENT FROM CRITICAL MEDIA

Identification	Male	Female	Administrative/legal procedures and tax investigations to cause financial damage	Conditioning or terminating contracts with the State	Code Name (Rare Occurrence)	General mention of code group w/o specifying code name	TOTAL
ARG_Academic 1	X		2	1	0	0	3
ARG_Academic 2	X		1	0	0	0	1
ARG_Academic 3	X		0	0	0	0	0
ARG_Academic 4	X		0	2	0	1	3
ARG_Academic 5	X		0	0	0	0	0
ARG_Academic 6		X	0	0	0	1	1
ARG_Academic 7	X		1	0	0	0	1
ARG_Media Owner 1	X		1	0	0	1	2
ARG_Media Owner 2	X		0	1	0	0	1
ARG_Media Owner 3	X		1	0	0	0	1
ARG_Media Owner 4	X		2	1	0	1	4
ARG_NGO 1		X	0	0	0	0	0
ARG_NGO 2	X		0	0	0	0	0
ARG_NGO 3	X		0	1	0	0	1
ARG_NGO 4		X	0	0	0	0	0
ARG_NGO 5	X		0	0	0	0	0
ARG_NGO 6	X		0	0	0	0	0
ARG_Government Official 1	X		0	0	0	0	0
ARG_Government Official 2	X		0	0	0	0	0
ARG_Government Official 3	X		0	0	0	0	0
ARG_Government Official 4	X		0	1	0	0	1
ARG_Government Official 5	X		0	0	0	0	0
ARG_Business Executive 1	X		1	1	0	0	2
ARG_Business Executive 2		X	0	1	1	0	2
ARG_Business Executive 3	X		0	1	0	0	1
ARG_Business Executive 4		X	1	0	1	0	2
ARG_Business Executive 5	X		0	0	0	0	0
ARG_Journalist 1 - Tier 1/Trad-Dig Mix	X		0	0	0	0	0
ARG_Journalist 2 - Tier 2/Trad-Dig Mix	X		0	0	0	0	0
ARG_Journalist 3 - Tier 2/Digital Only	X		0	0	0	0	0
ARG_Journalist 4 - Tier 2/Trad-Dig Mix	X		0	0	0	0	0
ARG_Journalist 5 - Tier 1/Trad-Dig Mix	X		1	1	1	0	3
ARG_Journalist 6 - Tier 2/Digital Only	X		1	0	0	0	1
ARG_Journalist 7 - Tier 2/Trad-Dig Mix	X		0	0	0	0	0
ARG_Journalist 8 - Tier 1/Trad-Dig Mix	X		0	0	0	0	0

Annex F | Interview IDs and Code Tables

Identification	Male	Female	Administrative/legal procedures and tax investigations to cause financial damage	Conditioning or terminating contracts with the State	Code Name (Rare Occurrence)	General mention of code group w/o specifying code name	TOTAL
ARG_Journalist 9 - Tier 1/Trad-Dig Mix	X		0	0	0	0	0
<b>TOTAL</b>			<b>12</b>	<b>11</b>	<b>3</b>	<b>4</b>	<b>30</b>
Average per person			0.3	0.3	0.1	0.1	0.8
Average per academic			0.6	0.4	0.0	0.3	1.3
Average per media owner			1.0	0.5	0.0	0.5	2.0
Average per NGO			0.0	0.2	0.0	0.0	0.2
Average per Govt. Official			0.0	0.2	0.0	0.0	0.2
Average per bus. Exec.			0.4	0.6	0.4	0.0	1.4
Average per journalist			0.2	0.1	0.1	0.0	0.4

The numbers in the table reflect the number of occasions on which a certain issue was mentioned.

**HARASSMENT/THREATS TO INFLUENCE EDITORIAL CONTENT**

Identification	Male	Female	Telephone calls to intimidate decision-makers	Public slander and defamation	Paid online trolls commenting on articles	Tax investigation on individuals and family	Penalties/fines	Physical attacks	Code Name (Rare Occurrence)	General mention of code group w/o specifying code name	TOTAL
ARG_Academic 1	X		0	3	2	0	2	0	0	0	7
ARG_Academic 2	X		0	0	0	0	0	0	1	3	4
ARG_Academic 3	X		1	0	0	0	0	0	0	0	1
ARG_Academic 4	X		0	0	0	0	0	0	0	0	0
ARG_Academic 5	X		0	0	1	0	0	0	0	0	1
ARG_Academic 6		X	0	0	0	0	0	0	0	0	0
ARG_Academic 7	X		1	0	0	0	0	0	1	0	2
ARG_Media Owner 1	X		2	0	0	1	0	0	2	1	6
ARG_Media Owner 2	X		0	7	1	0	0	0	0	1	9
ARG_Media Owner 3	X		0	1	0	0	0	0	0	0	1
ARG_Media Owner 4	X		2	7	2	1	0	3	1	0	16
ARG_NGO 1		X	0	1	1	0	0	0	0	2	4
ARG_NGO 2	X		0	0	0	0	0	0	0	0	0
ARG_NGO 3	X		0	0	0	0	0	0	0	0	0
ARG_NGO 4		X	0	0	0	0	0	0	0	0	0
ARG_NGO 5	X		0	0	0	0	0	0	0	0	0
ARG_NGO 6	X		0	0	0	0	0	0	0	0	0
ARG_Government Official 1	X		0	0	0	0	0	0	0	0	0
ARG_Government Official 2	X		0	0	0	0	0	0	0	0	0
ARG_Government Official 3	X		0	0	0	0	0	0	0	0	0
ARG_Government Official 4	X		2	0	0	0	0	0	0	1	3
ARG_Government Official 5	X		0	0	0	0	0	0	0	0	0
ARG_Business Executive 1	X		1	0	1	0	0	0	0	1	3
ARG_Business Executive 2		X	0	0	0	0	1	0	0	2	3
ARG_Business Executive 3	X		0	0	0	0	0	0	0	0	0
ARG_Business Executive 4			1	0	0	0	0	0	0	1	2
ARG_Business Executive 5	X		3	1	0	0	0	0	0	0	4
ARG_Journalist 1 - Tier 1/Trad-Dig Mix	X		0	3	2	0	0	0	0	0	5
ARG_Journalist 2 - Tier 2/Trad-Dig Mix	X		1	0	0	0	0	0	0	0	1
ARG_Journalist 3 - Tier 2/Digital Only	X		0	2	0	0	0	0	0	0	2
ARG_Journalist 4 - Tier 2/Trad-Dig Mix	X		2	0	0	0	0	0	0	0	2
ARG_Journalist 5 - Tier 1/Trad-Dig Mix	X		3	3	1	1	0	2	2	2	14
ARG_Journalist 6 - Tier 2/Digital Only	X		0	0	0	0	0	1	0	0	1



# Annex F | Interview IDs and Code Tables

Identification	Male	Female	Telephone calls to intimidate decision-makers	Public slander and defamation	Paid online trolls commenting on articles	Tax investigation on individuals and family	Penalties/fines	Physical attacks	Code Name (Rare Occurrence)	General mention of code group w/o specifying code name	TOTAL
ARG_Journalist 7 - Tier 2/Trad-Dig Mix	X		1	1	2	0	0	0	0	3	7
ARG_Journalist 8 - Tier 1/Trad-Dig Mix	X		1	1	1	0	0	0	0	0	3
ARG_Journalist 9 - Tier 1/Trad-Dig Mix	X		0	2	1	0	0	0	0	2	5
<b>TOTAL</b>			<b>21</b>	<b>32</b>	<b>15</b>	<b>3</b>	<b>3</b>	<b>6</b>	<b>7</b>	<b>19</b>	<b>106</b>
Average per person			0.6	0.9	0.4	0.1	0.1	0.2	0.2	0.5	2.9
Average per academic			0.3	0.4	0.4	0.0	0.3	0.0	0.3	0.4	2.1
Average per media owner			1.0	3.8	0.8	0.5	0.0	0.8	0.8	0.5	8.0
Average per NGO			0.0	0.2	0.2	0.0	0.0	0.0	0.0	0.3	0.7
Average per Govt. Official			0.4	0.2	0.0	0.0	0.0	0.0	0.0	0.2	0.6
Average per bus. Exec.			1.0	0.2	0.2	0.0	0.2	0.0	0.0	0.8	2.4
Average per journalist			0.9	1.3	0.8	0.1	0.0	0.3	0.2	0.8	4.4

The numbers in the table reflect the number of occasions on which a certain issue was mentioned.

**PRESSURE ON INTERNET SERVICE PROVIDERS/TELEPHONE COMPANIES TO INFLUENCE NEWS CONTENT DISTRIBUTION**

During the interviews, this topic was not identified as a core issue by any knowledgeable informant. It was just mentioned once by few respondents.

Identification	Male	Female	Pressure to affect ISP/telephone companies' core business	Code Name (Rare Occurrence)	General mention of code group w/o specifying code name	TOTAL
ARG_Academic 1	X		0	0	0	0
ARG_Academic 2	X		0	0	0	0
ARG_Academic 3	X		0	0	0	0
ARG_Academic 4	X		0	0	0	0
ARG_Academic 5	X		0	0	0	0
ARG_Academic 6		X	0	0	0	0
ARG_Academic 7	X		0	0	0	0
ARG_Media Owner 1	X		0	0	0	0
ARG_Media Owner 2	X		0	0	0	0
ARG_Media Owner 3	X		0	0	0	0
ARG_Media Owner 4	X		0	0	0	0
ARG_NGO 1		X	0	0	0	0
ARG_NGO 2		X	0	1	0	1
ARG_NGO 3	X		0	0	0	0
ARG_NGO 4		X	0	0	0	0
ARG_NGO 5	X		0	0	0	0
ARG_NGO 6	X		0	0	0	0
ARG_Government Official 1	X		0	0	0	0
ARG_Government Official 2	X		0	0	0	0
ARG_Government Official 3	X		0	0	0	0
ARG_Government Official 4	X		0	0	0	0
ARG_Government Official 5	X		0	0	0	0
ARG_Business Executive 1	X		0	0	0	0
ARG_Business Executive 2		X	0	0	0	0
ARG_Business Executive 3	X		0	0	0	0
ARG_Business Executive 4		X	0	0	0	0
ARG_Business Executive 5	X		0	0	0	0
ARG_Journalist 1 - Tier 1/Trad-Dig Mix	X		0	0	0	0
ARG_Journalist 2 - Tier 2/Trad-Dig Mix	X		0	0	0	0
ARG_Journalist 3 - Tier 2/Digital Only	X		0	0	0	0
ARG_Journalist 4 - Tier 2/Trad-Dig Mix	X		0	0	0	0
ARG_Journalist 5 - Tier 1/Trad-Dig Mix	X		0	0	0	0
ARG_Journalist 6 - Tier 2/Digital Only	X		0	0	0	0
ARG_Journalist 7 - Tier 2/Trad-Dig Mix	X		0	0	0	0
ARG_Journalist 8 - Tier 1/Trad-Dig Mix	X		0	0	0	0
ARG_Journalist 9 - Tier 1/Trad-Dig Mix	X		0	0	0	0

## Annex F | Interview IDs and Code Tables

Identification	Male	Female	Pressure to affect ISP/telephone companies' core business	Code Name (Rare Occurrence)	General mention of code group w/o specifying code name	TOTAL
<b>TOTAL</b>			0	1	0	1
Average per person			0.0	0.0	0.0	0.0
Average per academic			0.0	0.0	0.0	0.0
Average per media owner			0.0	0.0	0.0	0.0
Average per NGO			0.0	0.2	0.0	0.2
Average per Govt. Official			0.0	0.0	0.0	0.0
Average per bus. Exec.			0.0	0.0	0.0	0.0
Average per journalist			0.0	0.0	0.0	0.0

The numbers in the table reflect the number of occasions on which a certain issue was mentioned.

## Chile Code Table

## ARBITRARY USE OF STATE ADVERTISEMENT TO INFLUENCE EDITORIAL CONTENT

Identification	Male	Female	Providing advertisement to prop up government-friendly media	Withdrawing advertisement to pressure media critical of government	Creating media outlets via private groups to disseminate pro-government messages	Utilizing state media outlets to disseminate government propaganda	Funding journalists directly to influence their news reporting	Code Name (Rare Occurrence)	General mention of code group without specifying code name.	TOTAL
CHI_Academic 1	X		0	0	0	0	0	0	0	0
CHI_Academic 2	X		0	0	0	0	0	0	0	0
CHI_Academic 3	X		1	0	0	0	0	0	0	1
CHI_Academic 4		X	0	1	0	0	1	0	0	2
CHI_Media Owner 1 Tier 2/Digital Only	X		1	0	0	0	0	0	1	2
CHI_Media Owner 2 Tier 1/Trad-Dig Mix	X		0	0	0	0	0	0	1	1
CHI_Media Owner 3 Tier 2/Digital Only		X	0	0	0	0	0	0	0	0
CHI_NGO 1		X	0	0	0	0	0	0	0	0
CHI_NGO 2	X		2	1	0	0	0	0	3	6
CHI_NGO 3		X	0	0	0	0	0	0	0	0
CHI_NGO 4		X	1	0	0	0	0	0	1	2
CHI_NGO 5		X	0	0	0	0	0	0	0	0
CHI_Government Official 1	X		1	0	0	1	0	0	2	4
CHI_Government Official 2		X	0	0	0	1	0	0	0	1
CHI_Government Official 3		X	0	0	0	0	0	0	0	0
CHI_Government Official 4		X	0	0	0	0	0	0	1	1
CHI_Government Official 5	X		0	0	0	0	0	0	1	1
CHI_Government Official 6		X	0	0	0	0	0	0	1	1
CHI_Business Executive 1		X	1	0	0	0	0	0	0	1
CHI_Business Executive 2	X		0	0	0	0	0	0	0	0
CHI_Business Executive 3		X	0	0	0	0	0	0	0	0
CHI_Business Executive 4	X		0	0	0	0	0	0	0	0
CHI_Business Executive 5	X		0	0	0	0	0	0	0	0
CHI_Journalist 1 - Tier 1/Trad-Dig Mix		X	0	0	0	0	0	0	0	0
CHI_Journalist 2 - Tier 1/Trad-Dig Mix	X		1	0	0	0	0	0	0	1
CHI_Journalist 3 - Tier 1/Trad-Dig Mix		X	0	0	0	0	0	0	0	0
CHI_Journalist 4 - Tier 2/Digital Only	X		0	2	0	0	0	0	0	2

# Annex F | Interview IDs and Code Tables

Identification	Male	Female	Providing advertisement to prop up government-friendly media	Withdrawing advertisement to pressure media critical of government	Creating media outlets via private groups to disseminate pro-government messages	Utilizing state media outlets to disseminate government propaganda	Funding journalists directly to influence their news reporting	Code Name (Rare Occurrence)	General mention of code group without specifying code name.	TOTAL
CHI_Journalist 5 - Tier 1/Trad-Dig Mix	X		0	0	0	0	0	0	0	0
CHI_Journalist 6 - Tier 2/Digital Only		X	2	1	0	0	0	0	2	5
CHI_Journalist 7 - Tier 1/Trad-Dig Mix		X	0	0	0	0	0	0	2	2
			0	0	0	0	0	0	0	0
<b>TOTAL</b>			10	5	0	2	1	0	15	33
Average per person			0.3	0.2	0.0	0.1	0.0	0.0	0.5	1.1
Average per academic			0.3	0.3	0.0	0.0	0.3	0.0	0.0	0.8
Average per media owner			0.3	0.0	0.0	0.0	0.0	0.0	0.7	1.0
Average per NGO			0.6	0.2	0.0	0.0	0.0	0.0	0.8	1.6
Average per Govt. Official			0.2	0.0	0.0	0.3	0.0	0.0	0.8	1.3
Average per bus. Exec.			0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.2
Average per journalist			0.4	0.4	0.0	0.0	0.0	0.0	0.6	1.4

The numbers in the table reflect the number of occasions on which a certain issue was mentioned.

ECONOMIC PRESSURE ON COMPANIES TO WITHDRAW ADVERTISEMENT FROM CRITICAL MEDIA

Identification	Male	Female	Administrative/legal procedures and tax investigations to cause financial damage	Conditioning or terminating contracts with the State	Code Name (Rare Occurrence)	General mention of code group w/o specifying code name	TOTAL
CHI_Academic 1	X		0	0	0	0	0
CHI_Academic 2	X		0	0	0	0	0
CHI_Academic 3	X		0	0	0	0	0
CHI_Academic 4		X	0	0	0	0	0
CHI_Media Owner 1	X		0	0	0	0	0
CHI_Media Owner 2	X		0	0	0	0	0
CHI_Media Owner 3		X	1	0	0	0	1
CHI_NGO 1		X	0	0	0	1	1
CHI_NGO 2	X		0	0	0	0	0
CHI_NGO 3		X	0	0	0	0	0
CHI_NGO 4		X	0	0	0	0	0
CHI_NGO 5		X	0	0	0	0	0
CHI_Government Official 1	X		0	0	0	1	1
CHI_Government Official 2		X	0	0	0	0	0
CHI_Government Official 3		X	0	0	0	0	0
CHI_Government Official 4		X	0	0	0	0	0
CHI_Government Official 5	X		0	0	0	0	0
CHI_Government Official 6		X	0	0	0	0	0
CHI_Business Executive 1		X	0	0	0	1	1
CHI_Business Executive 2		X	0	0	0	0	0
CHI_Business Executive 3	X		0	0	0	1	1
CHI_Business Executive 4		X	0	0	0	0	0
CHI_Business Executive 5	X		0	0	0	3	3
CHI_Journalist 1 - Tier 1/Trad-Dig Mix		X	0	0	0	0	0
CHI_Journalist 2 - Tier 1/Trad-Dig Mix	X		0	0	0	0	0
CHI_Journalist 3 - Tier 1/Trad-Dig Mix		X	0	0	0	0	0
CHI_Journalist 4 - Tier 2/Digital Only	X		0	0	0	0	0
CHI_Journalist 5 - Tier 1/Trad-Dig Mix	X		0	0	0	0	0
CHI_Journalist 6 - Tier 2/Digital Only		X	0	0	1	0	1
CHI_Journalist 7 - Tier 1/Trad-Dig Mix		X	0	0	0	0	0
<b>TOTAL</b>			<b>1</b>	<b>0</b>	<b>1</b>	<b>7</b>	<b>9</b>

# Annex F | Interview IDs and Code Tables

Identification	Male	Female	Administrative/legal procedures and tax investigations to cause financial damage	Conditioning or terminating contracts with the State	Code Name (Rare Occurrence)	General mention of code group w/o specifying code name	TOTAL
Average per person			0.0	0.0	0.0	0.2	0.3
Average per academic			0.0	0.0	0.0	0.0	0.0
Average per media owner			0.3	0.0	0.0	0.0	0.3
Average per NGO			0.0	0.0	0.0	0.2	0.2
Average per Govt. Official			0.0	0.0	0.0	0.2	0.2
Average per bus. Exec.			0.0	0.0	0.0	1.0	1.0
Average per journalist			0.0	0.0	0.1	0.0	0.1

The numbers in the table reflect the number of occasions on which a certain issue was mentioned.

**HARASSMENT/THREATS TO INFLUENCE EDITORIAL CONTENT**

Identification	Male	Female	Telephone calls to intimidate decision-makers	Public slander and defamation	Paid online trolls commenting on articles	Tax investigation on individuals and family	Penalties/fines	Physical attacks	Code Name (Rare Occurrence)	General mention of code group w/o specifying code name	TOTAL
CHI_Academic 1	X		0	0	0	0	0	0	0	1	1
CHI_Academic 2	X		0	0	0	0	0	0	0	1	1
CHI_Academic 3	X		0	0	0	0	0	0	1	0	1
CHI_Academic 4		X	0	0	0	0	0	0	0	0	0
CHI_Media Owner 1	X		0	0	0	0	0	0	0	0	0
CHI_Media Owner 2	X		0	0	0	0	0	0	0	1	1
CHI_Media Owner 3		X	0	0	0	0	0	0	0	2	2
CHI_NGO 1		X	0	0	0	0	0	0	0	0	0
CHI_NGO 2	X		1	0	0	0	0	0	0	2	3
CHI_NGO 3		X	0	0	0	0	0	0	0	2	2
CHI_NGO 4		X	0	0	1	0	0	0	0	3	4
CHI_NGO 5		X	0	0	0	0	0	0	0	1	1
CHI_Government Official 1	X		0	0	0	0	0	0	0	0	0
CHI_Government Official 2		X	2	0	0	0	0	0	0	3	5
CHI_Government Official 3		X	2	0	0	0	0	0	0	0	2
CHI_Government Official 4		X	0	0	0	0	0	0	0	0	0
CHI_Government Official 5	X		0	0	0	0	0	0	0	3	3
CHI_Government Official 6		X	1	0	0	0	0	0	0	0	1
CHI_Business Executive 1		X	0	0	0	0	0	0	0	0	0
CHI_Business Executive 2	X		1	0	0	0	0	0	0	3	4
CHI_Business Executive 3		X	0	0	0	0	0	0	0	0	0
CHI_Business Executive 4	X		0	0	0	0	0	0	0	0	0
CHI_Business Executive 5	X		0	0	0	0	0	0	1	1	2
CHI_Journalist 1 - Tier 1/Trad-Dig Mix		X	3	0	0	0	0	0	0	0	3
CHI_Journalist 2 - Tier 1/Trad-Dig Mix	X		0	0	0	0	0	0	0	1	1
CHI_Journalist 3 - Tier 1/Trad-Dig Mix		X	0	0	0	0	0	0	0	0	0
CHI_Journalist 4 - Tier 2/Digital Only	X		0	0	0	0	0	0	0	0	0
CHI_Journalist 5 - Tier 1/Trad-Dig Mix	X		0	0	0	0	0	0	0	0	0
CHI_Journalist 6 - Tier 2/Digital Only		X	0	0	0	0	0	0	0	1	1
CHI_Journalist 7 - Tier 1/Trad-Dig Mix		X	2	0	0	0	0	0	0	0	2
<b>TOTAL</b>			<b>12</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>25</b>	<b>40</b>



# Annex F | Interview IDs and Code Tables

Identification	Male	Female	Telephone calls to intimidate decision-makers	Public slander and defamation	Paid online trolls commenting on articles	Tax investigation on individuals and family	Penalties/fines	Physical attacks	Code Name (Rare Occurrence)	General mention of code group w/o specifying code name	TOTAL
Average per person			0.4	0.0	0.0	0.0	0.0	0.0	0.1	0.8	1.3
Average per academic			0.0	0.0	0.0	0.0	0.0	0.0	0.3	0.5	0.8
Average per media owner			0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	1.0
Average per NGO			0.2	0.0	0.2	0.0	0.0	0.0	0.0	1.6	2.0
Average per Govt. Official			0.8	0.0	0.0	0.0	0.0	0.0	0.0	1.0	1.8
Average per bus. Exec.			0.2	0.0	0.0	0.0	0.0	0.0	0.2	0.8	1.2
Average per journalist			0.7	0.0	0.0	0.0	0.0	0.0	0.0	0.3	1.0

The numbers in the table reflect the number of occasions on which a certain issue was mentioned.

**PRESSURE ON INTERNET SERVICE PROVIDERS/TELEPHONE COMPANIES TO INFLUENCE NEWS CONTENT DISTRIBUTION**

During the interviews, this topic was not identified as a core issue by any knowledgeable informant. It was just mentioned once by few respondents.

Identification	Male	Female	Pressure to affect ISP/telephone companies' core business	Code Name (Rare Occurrence)	General mention of code group w/o specifying code name	TOTAL
CHI_Academic 1	X		0	0	0	0
CHI_Academic 2	X		0	0	0	0
CHI_Academic 3	X		0	0	0	0
CHI_Academic 4		X	0	0	0	0
CHI_Media Owner 1	X		0	0	0	0
CHI_Media Owner 2	X		0	0	0	0
CHI_Media Owner 3		X	0	0	0	0
CHI_NGO 1		X	0	0	0	0
CHI_NGO 2	X		0	0	0	0
CHI_NGO 3		X	0	0	0	0
CHI_NGO 4		X	0	0	0	0
CHI_NGO 5		X	0	0	0	0
CHI_Government Official 1	X		0	0	0	0
CHI_Government Official 2		X	0	0	0	0
CHI_Government Official 3		X	0	0	0	0
CHI_Government Official 4		X	0	0	0	0
CHI_Government Official 5	X		0	0	0	0
CHI_Government Official 6		X	0	0	0	0
CHI_Business Executive 1		X	0	0	0	0
CHI_Business Executive 2	X		0	0	0	0
CHI_Business Executive 3		X	0	0	0	0
CHI_Business Executive 4	X		0	0	0	0
CHI_Business Executive 5	X		0	0	0	0
CHI_Journalist 1 - Tier 1/Trad-Dig Mix		X	0	0	0	0
CHI_Journalist 2 - Tier 1/Trad-Dig Mix	X		0	0	0	0
CHI_Journalist 3 - Tier 1/Trad-Dig Mix		X	0	0	0	0
CHI_Journalist 4 - Tier 2/Digital Only	X		0	0	0	0
CHI_Journalist 5 - Tier 1/Trad-Dig Mix	X		0	0	0	0
CHI_Journalist 6 - Tier 2/Digital Only		X	0	0	0	0
CHI_Journalist 7 - Tier 1/Trad-Dig Mix		X	0	0	0	0
<b>TOTAL</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## Annex F | Interview IDs and Code Tables

Identification	Male	Female	Pressure to affect ISP/telephone companies' core business	Code Name (Rare Occurrence)	General mention of code group w/o specifying code name	TOTAL
Average per person			0.0	0.0	0.0	0.0
Average per academic			0.0	0.0	0.0	0.0
Average per media owner			0.0	0.0	0.0	0.0
Average per NGO			0.0	0.0	0.0	0.0
Average per Govt. Official			0.0	0.0	0.0	0.0
Average per bus. Exec.			0.0	0.0	0.0	0.0
Average per journalist			0.0	0.0	0.0	0.0

The numbers in the table reflect the number of occasions on which a certain issue was mentioned.

**TECHNICAL DIFFICULTIES TO DISRUPT DIGITAL NEWS SITES TO INFLUENCE EDITORIAL CONTENT**

During the interviews, this topic was not identified as a core issue by any knowledgeable informant. It was just mentioned once by few respondents.

Identification	Male	Female	Hacking of digital news sites	Technical difficulties to slow down functioning of digital news sites	Code Name (Rare Occurrence)	General mention of code group w/o specifying code name	TOTAL
CHI_Academic 1	X		0	0	0	0	0
CHI_Academic 2	X		0	0	0	0	0
CHI_Academic 3	X		0	0	0	0	0
CHI_Academic 4		X	0	0	0	0	0
CHI_Media Owner 1	X		0	0	0	0	0
CHI_Media Owner 2	X		0	0	0	0	0
CHI_Media Owner 3		X	0	0	0	0	0
CHI_NGO 1		X	0	0	0	0	0
CHI_NGO 2	X		0	0	0	0	0
CHI_NGO 3		X	0	0	0	0	0
CHI_NGO 4		X	0	0	0	0	0
CHI_NGO 5		X	0	0	0	0	0
CHI_Government Official 1	X		0	0	0	0	0
CHI_Government Official 2		X	0	0	0	0	0
CHI_Government Official 3		X	0	0	0	0	0
CHI_Government Official 4		X	0	0	0	0	0
CHI_Government Official 5	X		0	0	0	0	0
CHI_Government Official 6		X	0	0	0	0	0
CHI_Business Executive 1		X	0	0	0	0	0
CHI_Business Executive 2	X		0	0	0	0	0
CHI_Business Executive 3		X	0	0	0	0	0
CHI_Business Executive 4	X		0	0	0	0	0
CHI_Business Executive 5	X		0	0	0	0	0
CHI_Journalist 1 - Tier 1/Trad-Dig Mix		X	0	0	0	0	0
CHI_Journalist 2 - Tier 1/Trad-Dig Mix	X		0	0	0	0	0
CHI_Journalist 3 - Tier 1/Trad-Dig Mix		X	0	0	0	0	0
CHI_Journalist 4 - Tier 2/Digital Only	X		0	0	0	0	0
CHI_Journalist 5 - Tier 1/Trad-Dig Mix	X		0	0	0	0	0
CHI_Journalist 6 - Tier 2/Digital Only		X	0	0	0	0	0
CHI_Journalist 7 - Tier 1/Trad-Dig Mix		X	0	0	0	0	0
<b>TOTAL</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## Annex F | Interview IDs and Code Tables

Identification	Male	Female	Hacking of digital news sites	Technical difficulties to slow down functioning of digital news sites	Code Name (Rare Occurrence)	General mention of code group w/o specifying code name	TOTAL
Average per person			0.0	0.0	0.0	0.0	0.0
Average per academic			0.0	0.0	0.0	0.0	0.0
Average per media owner			0.0	0.0	0.0	0.0	0.0
Average per NGO			0.0	0.0	0.0	0.0	0.0
Average per Govt. Official			0.0	0.0	0.0	0.0	0.0
Average per bus. Exec.			0.0	0.0	0.0	0.0	0.0
Average per journalist			0.0	0.0	0.0	0.0	0.0

The numbers in the table reflect the number of occasions on which a certain issue was mentioned.

## **ANNEX G. THESIS SUMMARY**

One of the most important pillars of modern democracies is media freedom, which enables independent media outlets to freely investigate and report on government actions to the public. Democracy and news media freedom often have been assumed to have an intrinsic link, but by the mid-2010s, reports from international watchdog organizations pointed to a new reality: The existence of democratic countries with declining press freedom. This puzzling development was the main motivation for this research, with a particular focus on how media freedom is being limited in free democratic states.

The objective of this research was to understand how governments influence news media freedom in young democracies in the digital era. It also sought to identify the main categories of instruments used to curb media freedom, what the individual instruments used in each category were, and how governments have used those instruments to influence the editorial content of media outlets. To do so, this research conducted a case study analysis of Argentina and Chile, two neighboring young democracies with similar historical and political characteristics, and a distinct difference in their degrees of media freedom. This case study comparison helped determine how policy instruments could be used to limit media freedom in countries that were widely considered free democracies.

The dissertation begins with an examination of policy documents and reports from international organizations that monitor news media freedom. It then presents the results of a survey of journalists who worked in one or

## Annex G | Thesis Summary

the other of the two case study countries during the period studied, which identified the main instruments and policy tools governments used and began to explore how they were applied. The research continues with a thorough review of the media-related legal and regulatory environment in each country, confirming that this was not a fundamental basis for restrictions on media freedom. Then, through expert interviews, it validates the main policy instruments identified in the survey of journalists. These efforts resulted in determining the main categories of instruments used to curb media freedom in democratic societies.

The empirical findings of this research led to a principal conclusion: Even in free democracies, and especially young ones, governments can and do use subtle, difficult-to-detect tools to curb media freedom to maintain power. Preferred instruments fell into two categories—economic pressure and threats and harassment. Economic pressure mechanisms were divided into two subcategories: (A) Use of state advertising to influence editorial content; and (B) Economic pressure on private sector companies to withdraw advertising from news media critical of the government, with subcategories consisting of several specific pressure instruments. Threats and harassment focused on the subcategory of nonphysical harassment of journalists, including both still-relevant traditional methods and newer ones developed for the digital era. All mechanisms, however, had one thing in common: They were subtle and difficult for the general population to perceive.

Employing subtle media control instruments can be an early sign of declining levels of media freedom in free democracies. If they are not

thwarted, they can erode press freedom, a key pillar of democracy. When considering how some formerly free democracies slid into the partly free category in recent years, a wider theoretical conclusion can be drawn: Governments that move from free to illiberal democracies are likely to curb media freedom during this process, as it can help them remain in power. Many likely will have sought to limit press freedom through subtle means until they reached a “visibility threshold.” At this point their media control efforts become apparent and these instruments are put aside in favor of more visible and overt tools as the country’s democracy slides from free to partly free.

Political leaders may then be able to act as if—or even publicly announce that—their governments are illiberal democracies. This is because they will have gained enough control over the media environment that they do not fear a media outcry or media-triggered public opposition. Before that threshold has been crossed, however, democratic governments are likely to use the subtle instruments found in this research; their subtlety enables governments to avoid outside threats as they work to consolidate and maintain power, even in free democracies.

Finally, this dissertation provides three practical policy recommendations that aim to protect news media freedom even in democratic governments seeking to limit it. First, international watchdog organizations should make identifying and counteracting the erosion of news media freedom a priority in its early stages. Second, development agencies should provide financial support to nascent digital-only news media outlets in democracies. And third, governments, parliaments and international bodies should support



## **Annex G | Thesis Summary**

legislation requiring internet platforms (i.e., Google, Facebook) to compensate news media outlets for the use of their content.

Press freedom needs to be closely and constantly monitored as it can be at risk even in free democracies. Therefore, it is important to enact government policies, ensure effective oversight by civil society organizations, and raise awareness about press infringements to maintain a free and open media environment. These efforts will protect independent journalism, thus enabling democracy itself to thrive.

## **ANNEX H. ABOUT THE AUTHOR**

Erich de la Fuente is a senior governance and international development expert, and an adjunct professor of international relations at Florida International University. His areas of expertise include news media freedom, anticorruption, political analysis, and strategic communications. He has over 25 years of experience developing, implementing, and evaluating projects in these areas for multilateral organizations and civil society groups operating throughout Latin America, Eastern Europe, Eurasia, Africa, and the Middle East. He has also counseled private companies in government and corporate affairs.

As founder and CEO of EDF Consulting Inc., Erich has served as a lead advisor for the United States Agency for International Development (USAID) in programs around the world focusing on anticorruption (Armenia, El Salvador, Guatemala, Honduras, Nicaragua, Paraguay, and Peru); justice reform and access to justice (Colombia, Dominican Republic, Jordan, and Rwanda); state reform initiatives (Ukraine); strengthening democratic institutions (Colombia, El Salvador, Mexico, and Georgia); and humanitarian assistance and conflict resolution (Colombia, Democratic Republic of Congo, Haiti, and Ukraine). In addition to his USAID work, he has provided capacity-building training to organizations fighting corruption, including various chapters of the NGO Transparency International across Latin America, Eastern Europe, Eurasia, and the Balkans.

Erich has also served as a strategic communication and government affairs advisor to the World Bank, the Inter-American Development Bank, the

## **Annex H | About the Author**

American Bar Association, the Pan-American Development Foundation, and World Learning, as well as to private sector clients such as Delta Air Lines, Microsoft, DHL, Visa, Apple, and Fortinet.

Erich holds an M.A. in Government/Latin American Affairs from the Georgetown University School of Foreign Service, and a B.A. in International Relations from Florida International University. Erich is fluent in English, Spanish, and Portuguese and proficient in Italian and Russian.

As a political analyst, he has published various articles and is a frequent expert guest on English and Spanish television and radio news programs.

A firm believer of giving back, Erich dedicates much of his personal time to various nonprofit organizations, including Operation Smile, an international children's medical charity that performs safe cleft lip and cleft palate surgeries, and Junior Achievement, a global nonprofit organization that offers work readiness, literacy, and entrepreneurship programs to students.

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