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## POLICY BRIEF - CLACSO

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# The Quality of Salvadoran Democracy Evaluated From the Achievements in the Right to Communication of Its Citizens\*

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## ❖ Presentation

The research ‘The Quality of Salvadoran Democracy Evaluated From the Achievements in the Right to Communication of Its Citizens’ analyzes the quality of democracy in El Salvador, 30 years after the first democratic elections were conducted, subsequent to military governments, and 22 later of the Peace Accords that ended more than a decade of civil conflict.

\*This document was made in the framework of the call for grants “Thirty years of democracy in Latin America: change processes, achievements and challenges”.

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## ◆ KEYWORDS

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▪ Democracy

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▪ Civil Society

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▪ Communication  
Rights

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▪ Government

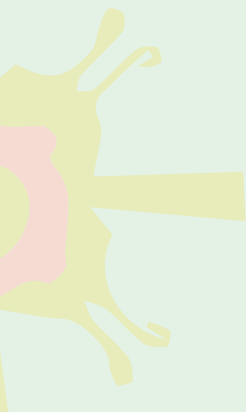
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▪ El Salvador

To do this, the paper specifically focuses on the development of one of the basic rights to their citizens: that of communication.

This encompasses other related rights such as freedom of speech, press and information, as well as the existence of pluralistic media; under the precept that better-informed citizens are more liable to choose and require their rulers to do a better job.

This paper evaluates four aspects: a) Salvadoran laws regarding the human right to communication — where there has been some progress — but the conception of the right to communication as such is still in debt, as well as some specific rules to support it; b) freedom of speech and press, which is more threatened by censorship and self-censorship than by aggression against journalists; c) access to information, with emphasis on legal obstacles to its development; and d) media concentration, section in which the map of media property in El Salvador is updated, evidencing the concentration in few hands.

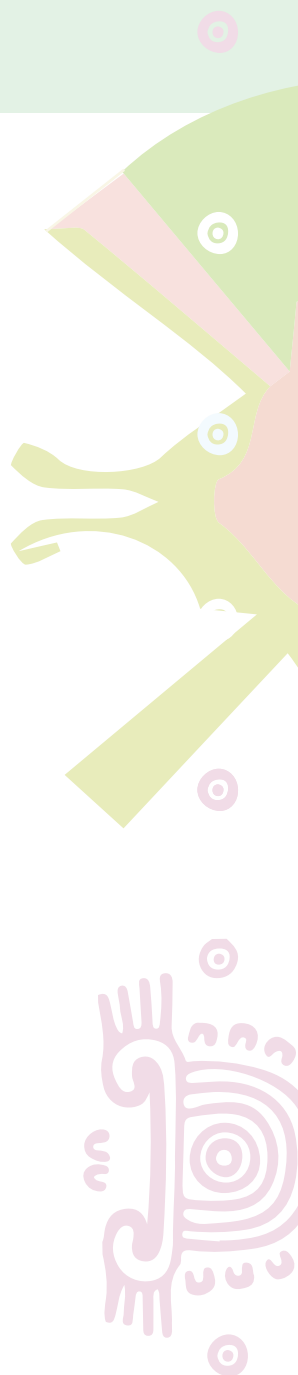


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## ✚ Political Analysis

The right to communicate is still not an issue that is discussed openly and in depth in the political sectors and among policy makers. Just a few non-governmental institutions and alternative media struggle for rights such as the freedom of expression and media democratization.

In El Salvador, political spheres — very often related to economic power — have not pressed as required so that in the country there is a full enjoyment of the right to communication and all that this entails. On the contrary, some laws passed from the State go right in the opposite direction: on the one hand, they promote actions and policies favouring media concentration in a few hands and exclude community sectors; and on the other, they delay or ignore policies that would promote freedom of expression and democratization of communications.



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To this, we must add that a culture of secrecy persists in the three branches of government. Its officials, besides delaying the Access to Public Information Law, hide essential information to the citizens and even refuse to comply with the resolutions of the foremost authorities on the subject.

All this invites us to think about the lack of interest in the subject. Worse, in a conscious interference of the human right to communication because, one way or another, it affects their own interests or those of the elites with whom they interact.

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## \* Proposals

### Short term

- ◆ There must be discussed immediately and in-depth, and then pass and approve them as soon as possible, all the bills regarding to the right to communication: The Community Broadcasting Law and the Public Media Law.

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- ◆ The Community Broadcasting Law should lay the foundations for the emergence and development of these media and create governing bodies to devise and track public policies in favour of the human right to communication and media democratization. It should also include mechanisms to encourage the creation of citizen media and promote decent livelihood mechanisms.
  - ◆ Public Media Law should promote the technical-professional development of such media and, above all, must clearly establish its use in favour of citizenship and not just in favour of the government or other State authorities.
  - ◆ It urges to discuss openly and then create a regulatory framework to regulate the transition from analog to digital technology. This law should ensure that exist equal opportunities for commercial, public and community media.
  - ◆ It is imperative to reform the Telecommunications Law, especially the aspects related to the operation of the radio spectrum, the length of the grant and the contract conditions. The modification of the current system of auctions to the highest bidder and the perpetual re-

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newal of concessions demands special attention, because it contravenes many of the recommendations of international organizations related to the right to communication.

- ◆ There should be a law to set restrictions on monopolistic or oligopolistic practices in the media, to avoid concentration in the future.
- ◆ The State shall create the necessary conditions so most of the population can have access to the Internet and new communication technologies.
- ◆ The benefits for the citizens, if implementing the provisions of the Access to Public Information Law, should be advertised with even more vigour and determination. People should be aware of their right to require information from the State and demand accountability from officials, as well as the legal mechanisms to demand it.
- ◆ Government officials must respect the provisions of the Institute for Access to Public Information. Furthermore, there must be established more drastic sanctions for those institutions or individuals that do not comply with the provisions of the law.

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- ◆ It is necessary to have reliable statistics on the safety of journalists. Therefore, it is important that State Institutions generate trust to open the door to more complaints. It is also important that each Media internally ponder about freedom of expression, in terms of censorship, self-censorship and pressure on journalists.

## Long term or structural

- ◆ It is necessary to discuss and then implement a constitutional reform that would allow the establishment and protection of the human right to communication as a strong concept that encompasses other derivative rights.
- ◆ This reform should explicitly include access to public information and the recognition of community media and public communication.
- ◆ Politicians, officials and NGO should include the topic of communication in the public debate, as an essential right for a full and quality democracy. At this point, universities, think tanks, the Ministry of Edu-



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cation and the social communication media themselves play an important role.

- ♦ Civil organizations, associations of journalists and public institutions of human rights defence should join hands and establish networks not only to ensure the protection of journalists on security issues, but also to end the practice of blocking, censorship and self-censorship.



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