FREEDOM
of expression

SHADOW REPORT ON THE IMPLEMENTATION
OF SUSTAINABLE DEVELOPMENT GOAL 16.10.01
IN LATIN AMERICA
FREEDOM OF EXPRESSION: SHADOW REPORT ON THE IMPLEMENTATION OF SUSTAINABLE DEVELOPMENT GOAL 16.10.01 IN LATIN AMERICA.

April 18th, 2019.

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Asociación Nacional de la Prensa - ANP / Bolivia
Fundación Andina para la Observación y Estudio de Medios - FUNDAMEDIOS / Ecuador
Comité por la Libre Expresión - C-Libre / Honduras
Fundación Violeta Barrios de Chamorro / Nicaragua
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When adopting the United Nations 2030 Agenda for Sustainable Development, Member States established thematic progress reviews on the Sustainable Development Goals (SDGs). Member States agreed that the High-Level Political Forum on Sustainable Development (HLPF), under the auspices of ECOSOC, would monitor and review a yearly set of SDGs. The HLPF is called to facilitate assessments of progress on all SDGs over four-year cycles. In July 2019 the seventh session of the HLPF under the theme ‘Empowering people and ensuring inclusiveness and equality’ will complete the first cycle of thematic reviews with an in-depth analysis of SDG 4 (quality education), SDG 8 (decent work and economic growth), SDG 10 (reduced inequalities), SDG 13 (climate action) and SDG 16 (peace, justice and strong institutions), in addition to SDG 17 (partnerships for the Goals), reviewed each year.

The 2030 Agenda underlines the important role that ‘major groups’ and other stakeholders play in the pursuit of sustainable societies for future generations. UN Member States recognized that achieving sustainable development would require broad and active participation of all sectors. Following this mandate, Voces del Sur—a collective of Civil Society Organizations in eight Latin American countries—agreed to collaborate on the development of a shadow report on freedom of expression as a way to advocate for press freedoms and freedom of expression in the region.

This shadow report constitutes Voces del Sur’s effort to enrich and present complementary information to that presented by government-led Voluntary National Reviews (VNR). It offers an independent assessment based on the most recent information registered by civil society organizations regarding progress towards Goal 16, target 16.10, indicator 16.10.1, providing an overview of the main challenges, policies, partnerships and coordinated actions to enhance progress toward achieving the goal. Ultimately, it also expresses this collective’s commitment to continue working to strengthen press freedoms and freedom of expression in Latin America, which intrinsically includes monitoring and reporting on progress towards SDG 16.
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**REGIONAL CONCLUSIONS AND RECOMMENDATIONS**
EXECUTIVE SUMMARY

Violence and other types of attacks against journalists (threats, intimidation, legal/judicial harassment, obstruction of work, online and offline surveillance, destruction of equipment, confiscation of assets, among others) are not only crimes, but also require special consideration given the public nature of journalistic work. They represent violations of society’s right to be informed. Independent journalism and the enabling environment it requires are pillars of democracy. Journalists must be able to work safely if the media is to act as a watchdog, and to draw attention to the failings of power, such as corruption, misuse of resources, and abuse.

**Voces del Sur** designed a set of twelve common indicators to facilitate tracking and comparing press freedoms and freedom of expression in Latin America. The common indicators are based on SDG target 16.10 and indicator 16.10.1, which focus on protecting fundamental freedoms and ensuring safety and protections for journalists. This report helps to assess progress towards SDG 16.10.1 in Latin America by evaluating the situation of freedom of expression and safety and protections for journalists in the eight countries using these common indicators. The report also provides key recommendations for strengthening these freedoms.

The CSO members of **Voces del Sur** created a tool to enable a comparative analysis regarding the status of press freedoms and freedom of expression in the region. The first five regional indicators are directly linked to indicator 16.10.1. To determine additional indicators, organizations shared the most common violations to press freedoms and freedom of expression in their countries and identified common themes. These were used to design eight additional indicators to allow common tracking across the region. Participating organizations agreed to include an indicator that would help identify when a violation was committed targeting the victim based on their gender.

In 2018 the patterns of extreme violence, impunity, and authoritarian policies towards journalists continued unabated in several Latin American countries. Using this tool, the eight member CSOs of **Voces del Sur** registered a total of 732 alerts under the twelve common regional indicators; 44 were also registered as gender alerts and a staggering 404 pertained to attacks on press freedoms and freedom of expression with the state as the perpetrator. Aggressions and attacks were the most recurring alerts at both the regional and country levels, followed by alerts related to abusive use of state power and access to information. Violations against press freedoms and freedom of expression are commonplace in the region. Journalists are still subjected to violence, intimidation and abuse, most of all when reporting on the special interests of the powerful.

The situation is not the same in every country. The dramatic inequalities that characterize the region in social and economic terms influence the situation of press freedoms and freedom of expression. While some countries in the region such as Uruguay (12 alerts) and Peru (13 alerts) could be considered safe havens for the exercise of journal-
istic work, the region also includes some of the most dangerous countries in the world for journalists such as Nicaragua (234 alerts) and Venezuela (196 alerts). This overwhelming difference is reflected among countries but also within countries. For example, while the report registered only 17 alerts for the Buenos Aires province in Argentina (the capital and most populated region), there were 34 alerts reported in the less populated regions of the countryside. Violence and intimidation against journalists seem to increase as we move further away from the main centers of development.

Challenges and limitations pertaining to the way SDG 16 is monitored remain. Cases beyond the most severe, such as murder or imprisonment, are difficult to categorize and document in a standardized way. Important obstacles such as financial barriers and externalities such as a weak rule of law have a large impact yet are not taken into account. Harassment is often used as a blanket term. It is difficult to monitor the effectiveness of access to information laws in a methodologically consistent way that can facilitate comparisons across countries. Follow-up and analysis of registered attacks against press freedoms and freedom of expression is weak. To accelerate progress towards SDG 16 and target 16.10 in Latin America, diverse stakeholders in the region’s media ecosystems must collaborate to improve the capacity to measure the state and impact of independent journalism, as well as to build an environment that enables the economic, political, and social sustainability of a free press.

Nurturing this enabling environment is the responsibility of States, civil society, the media and the UN System, among others. States should strive to create an environment that is safe, free from violence and intimidation and to ensure the protection of journalists, as well as the prevention of violations, and the prosecution of perpetrators of crimes against journalists. The Latin American media sector, on the other hand, is ripe for a focus on social entrepreneurship, whereby outlets can thrive through a mix of development cooperation, impact investment and sustainable revenue streams through advertising, crowdfunding, membership models, and new innovative business units. Learning to measure the nonfinancial returns on investment in quality journalism would be a huge boost for the ecosystem. This role might be best suited for civil society. Finally, the UN System also plays a pivotal role in strengthening national capacities for reporting, monitoring and evaluation of progress towards SDG 16.

This shadow report will be presented in July 2019 at the High-level Political Forum on Sustainable Development. However, reporting should not be viewed merely as an instance of international accountability but also as a key policymaking element for the protection of journalists, the prevention of violations, and the prosecution of perpetrators of crimes against journalists, as well as a contribution to the sustainability of enabling media ecosystems. The aim of these international mechanisms is to make an impact at the national level. The presentation of reports only makes sense insofar as it fosters opportunities and dialogue among local actors and has an impact on local contexts. Thus, this report seeks to facilitate the construction of dialogues at the national as well as international level.
INTRODUCTION

SDG 16 - ‘promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable and inclusive institutions at all levels’ - is both an outcome and an enabler of sustainable development. Institutions and society are mutually reinforcing, forming either a virtuous cycle of improvement or a vicious cycle of degeneration. Open, accountable and effective public institutions lay the foundation for peace and justice while empowering civil society to engage in the design, implementation and evaluation of public policies that strengthen institutions which in turn lead to more sustainable societies.

Mutual reinforcement is also evident in target 16.10: ‘ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements’. The free flow of information is both a prerequisite for the protection of human rights and a human right in and of itself. Freedom of expression is an inalienable human right as established in Article 19 of the Universal Declaration of Human Rights. At the same time, open and effective access to reliable public information is a necessary condition to promote citizen engagement and participation in the protection of fundamental freedoms.

In particular, Indicator 16.10.1 - number of verified cases of murders, kidnappings, forced disappearances, arbitrary detentions and torture against journalists, media workers, labor leaders and human rights defenders - aims to protect, among others, the rights of journalists and media outlets to conduct their work without facing violence, threats or intimidation. The indicator recognizes that fostering a diverse and plural media ecosystems with free and independent journalism fulfilling the role of watchdog and representing the voices of citizens, especially those that may be neglected, vulnerable, or left behind, is an important step in the strengthening of democracy and the accomplishment of sustainable development.

This indicator was categorized as Tier II (“conceptually clear; internationally established methodology and standard is available, but countries do not regularly produce data yet”) by the Inter-agency and Expert Group on SDG Indicators (IAEG-SDGs) based on its level of methodological development and the limited availability of data for it. The reporting mechanisms agreed upon, namely the VNRs, are voluntary and state-led, with each government deciding how these targets should be incorporated in national planning processes, policies and strategies. In a subject as sensitive as human rights and fundamental freedoms, government information cannot be trusted as a sole source of reporting, especially when these same governments might be actively violating freedoms. Therefore UNESCO has been designated by the UN Statistical Commission as a contributing agency for tracking global progress on indicator 16.10.1. In collaboration with the Office of the High Commissioner for Human Rights (OHCHR) as a custodian agency, and the International Labor Organization (ILO) as partner agency, UNESCO has started working on an improved methodology for the indicator.
In this context, eight Latin American civil society organizations collaborated under a common initiative, Voces del Sur, that seeks to strengthen and improve monitoring and alerts for freedom of expression, enhance the effectiveness of advocacy on issues of press freedoms and freedom of expression, and establish new forms of coordination and collaboration among civil society organizations in different countries. They designed a set of common indicators to facilitate tracking and comparing freedom of expression across the region. The common indicators are based on target 16.10 and indicator 16.10.1, which focus on protecting fundamental freedoms and ensuring safety and protections for journalists. This report helps to assess progress towards SDG 16.10.1 in Latin America by evaluating the situation of freedom of expression and safety and protections for journalists in eight countries using these common indicators.

The report analyzes press freedoms and freedom of expression, safety and protections for journalists, and progress towards SDG 16.10.1 based on data collected by the CSOs. It focuses exclusively on journalists, as attacks on human rights defenders and union leaders are not systematically monitored by all participating CSOs. The report also provides key recommendations for further strengthening these freedoms. It is organized using the common regional standards developed under Voces del Sur.
METHODOLOGY

On October 2018, civil society organizations from seven countries in Latin America, Instituto Sociedad y Prensa (IPYS) from Peru, Asociacion Nacional de Prensa (ANP) from Bolivia, FUNDAMEDIOS from Ecuador, Instituto Sociedad y Prensa (IPYS) from Venezuela, Centro de Archivos y Acceso a la Información Pública (Cainfo) from Uruguay, Comité por la Libertad de Expresión (C-Libre) from Honduras, and Foro de Periodismo Argentino (FOPEA) from Argentina came together to develop regional indicators for monitoring and reporting on violations against press freedoms and freedom of expression. These organizations worked collectively on the construction of the common regional indicators based on SDG indicator 16.10.1. Fundación Violeta Barrios de Chamorro from Nicaragua later joined the initiative and contributed insights and information to include Nicaragua in the report given the country’s dire situation.

As the SDGs resulted from an inherently political process and do not comprehensively monitor all key factors, institutions and structures that are associated with press freedoms and freedom of expression. The SDG 16.10.1 framework offers an adequate, yet limited, methodology to monitor and compare the progress in ensuring public access to information and the protection fundamental freedoms. While SDG 16.10.1 focuses solely on “verified cases of murders, kidnappings, forced disappearances, arbitrary detentions and torture”, the Voces del Sur indicators offer a wider scope to include further relevant challenges that each one of the eight participant countries face. Thus, they account for other ways in which press freedoms and freedom of expression are restricted, like attacks that do not result in death, stigmatizing discourse, biased judicial processes and Internet restrictions.

Because these are normative assessments by Voces del Sur and are not official targets that were agreed upon as part of the SDG development process, the trends in this report should be interpreted with caution, and are only suggestive of whether a country is moving towards meeting its SDG16.10 target. Voces del Sur has included the additional indicators in order to provide a more comprehensive understanding of each country’s performance on SDG16.10. It will require a sustained effort and a process of continuous improvement for the common regional indicators to reach an optimal alignment with global SDG reporting mechanisms and tools.

Voces del Sur has designed 12 common regional indicators to enhance reporting on SDG indicator 16.10.1. These are designed to comply with the 2030 Agenda’s principle that Follow-up and Review (FUR) mechanisms should be inclusive, participatory, transparent, people-centered, rights-based and gender-sensitive to ensure accountability. These common regional indicators foster a more thorough understanding of the different levels of threats against press freedoms and freedom of expression in Latin America and strengthen comparative analysis across countries. The indicators are meant to serve Member States and other stakeholders to design public policies, as well as carry out lobby and advocacy to pressure for institutional changes that benefit press freedoms and freedom of expression.
1. MURDER
- Attacks leading to death.
- Intentional homicides as a reprisal for exercising journalism.

2. KIDNAPPINGS
Abduction and illegal detention of one or more people against their will, even through the use of force, threat, fraud, or persuasion aiming to leverage liberation in order to obstruct, censor or negatively influence journalistic work.

3. FORCED DISAPPEARANCE
Arrests, detentions or transfers against the will of journalists or relatives by government agents, organized groups acting on behalf of the government or with their direct/indirect support, who deny information about their whereabouts or situation; or deny that they are in custody, placing them outside the protection of due process and the rule of law.

4. ARBITRARY DETENTION
It is thus considered when:
- There is no legal basis that justifies the detention of journalists or their relatives
- When detention is a consequence of the exercise of freedom of expression as defined in the Universal Declaration of Human Rights

5. TORTURE
Any act through which pain, punishment, intimidation, coercion or grave suffering, either physical or psychological, is intentionally inflicted on journalists or on their relatives.

6. AGRESSION AND ATTACKS
- Attacks against the physical integrity of journalists and/or their relatives
- Raids and/or attacks against media outlet infrastructure or the property of journalists
- Destruction or confiscation of journalistic equipment
- Forced displacement
- Threats

7. STIGMATIZING DISCOURSE
- Insults or reputational attacks coming from public officers or important public figures
- Systematic campaigns to discredit reputations

8. ACCESS TO INFORMATION
- Restrictions on the right to access public information such as refusal, partial or incomplete delivery, omission.
- Obstruction of journalistic work

9. JUDICIAL PROCEDURES AGAINST MEDIA OUTLETS AND JOURNALISTS
- Civil procedures
- Criminal procedures

10. ABUSE OF STATE POWER
- Official propaganda/abusive allocation of State ads
- Irregular concession of frequencies
- Administrative sanctions
- Restriction on production inputs
- Closure of media outlets
- Forced rectification/removal of content without judicial order

11. JURIDICAL FRAMEWORK CONTRARY TO STANDARDS
Proposal and/or approval of norms that restrict freedom of expression and/or constitute censorship.

12. INTERNET RESTRICTIONS
- Closure and arbitrary suspension of social network accounts
- Hackings
- Cyber threats
- Selective blocking of websites
- Using institutional accounts or the authorities to block users.

CROSS-CUTTING INDICATOR
Any event described in the 12 indicators will include an assessment to verify if there are indications of gender based discrimination.
• Methodological Challenges

SDG 16 has been described as an enabling or transformative goal because its implementation can enhance progress towards other SDGs. It is among the most ambitious goals of the 2030 Agenda and poses unique challenges in terms of both implementation and monitoring. There are numerous methodological issues, political challenges, as well as practical and implementation issues around data collection and statistical capacity that must be addressed.

SDG 16.10.1 was originally classified as a Tier III indicator, meaning that there was no internationally established methodology or standard yet available for the indicator, but methodologies and standards would be developed or tested in the future. In 2017 during the sixth meeting of the IAEG-SDGs, SDG 16.10.1 was re-classified as Tier II indicator, meaning that it is now conceptually clear, an internationally established methodology and standard is available, but countries do not regularly produce data yet. Yet another difficulty rests on the fact that national statistical offices (NSOs) cannot independently measure some targets for politically sensitive reasons. A clear example is SDG indicator 16.10.1 on the killing or arbitrary detention of journalists and human rights activists which is particularly challenging for governments to monitor faithfully.

In response to these challenges, Voces del Sur sought to create these common indicators to enable comparative analysis regarding the status of press freedoms and freedom of expression in the region. This effort was recognized in a 2018 publication by the Regional Bureau for Sciences in Latin America and the Caribbean / UNESCO Montevideo Office titled “The Safety of Journalists in the Human Rights and Sustainable Development Agendas: Opportunities to Improve Reporting on Human Rights Violations in Guatemala, Honduras, and El Salvador”. The regional UNESCO Office praised Voces del Sur’s efforts to develop these indicators. The process started on September 2017 in Ecuador. The first set of indicators was presented for consideration and validated by the IACHR Special Rapporteur for Freedom of Expression. In early 2018 the first report containing the indicators was released. Its main results were presented during the IACHR’s 167th Period of Sessions, which took place on March 2018 in Colombia. Voces del Sur aligned its unified monitoring system with SDG Indicator 16.10.01 during International Freedom of Expression Exchange (IFEX) meeting in Quito in April 2018.

Despite these efforts, performing a consistent trend analysis for the indicator for each country is not yet possible given the considerable data gaps that still exist. To track trends, time series data must exist to see if countries are moving towards or away from achieving the targets. As they stand, most indicators only have one year of data. Without additional data it will not be possible to understand if countries are moving in the right direction. It is clear that the availability of harmonized data to compare across countries will be critical in order to hold countries to account and help direct resources to where they are needed most. This report monitors progress towards SDG16.10.1 with the available data registered by eight CSOs in Latin America. The fact that some of the data may be partial or incomplete ought to raise awareness of the key methodological challenges related to monitoring progress towards SDG 16.
Independent journalism is a high-risk occupation in Latin America, which makes independent Latin American journalists a vulnerable group. Although there are considerable differences across countries in the region, including in the number and severity of registered incidents against press freedoms and freedom of expression, there are also important common characteristics and trends. State actors, or others with direct ties to economic and political power structures, are the primary perpetrators of attacks and threats against press freedoms and freedom of expression in Latin America. The rise of organized crime and drug trafficking as major threats against journalists and media outlets is also a shared reality in the region. High degrees of impunity are commonplace in cases of attacks against these freedoms, which in turn feeds a cycle of violence and intimidation against media outlets, journalists and citizens that eventually results in censorship and self-censorship. This cycle hinders access to information that is valuable for a society’s sustainable development. State complicity and direct responsibility in attacks against press freedoms and freedom of expression throughout Latin America, along with rampant impunity, have a negative impact on the implementation of the 2030 Agenda, specifically on key human rights provisions in SDG 16.

Journalists in Latin America faced violence, lawsuits, and police harassment in 2018. Although the 2018 World Press Freedom Index from Reporters Without Borders shows a slight overall improvement in freedom of expression in the region, the patterns of extreme violence, impunity, and authoritarian policies towards journalists in several Latin American countries continue unabated. Attacks against the free press are still frequent, especially at political events and demonstrations. Journalists are still subjected to intimidation or abusive judicial proceedings, most of all when reporting on the special interests of politicians or elected officials.

Throughout 2018, 734 alerts were registered in the eight participating countries in Latin America under the twelve common regional indicators designed by Voces del Sur; 44 were also registered as gender alerts and a staggering 404 pertained to attacks on press freedoms and freedom of expression with the state as the perpetrator. Aggressions and attacks were the most recurring alerts at both the regional and country levels, followed by alerts related to abusive use of state power and access to information. With regards to some of the most heinous violations against press freedom and freedom of expression, six journalists were murdered, eight kidnapped and two tortured in Latin America in 2018. Nicaragua is the country with the most registered alerts overall by a large margin.

There were 44 gender alerts reported in the region during 2018. This does not mean that gender violence and misogyny are not problems. Gender violence in journalism may be rendered invisible by an industry-wide gender bias. This relatively low number of alerts may also reflect weaknesses on behalf of participating CSOs with regards to identifying and registering gender alerts.
LATIN AMERICA
ATTACKS AGAINST FREEDOM OF EXPRESSION
JANUARY - DECEMBER 2018

OVERVIEW

404 Incidents perpetrated by State officials
44 Events with indications of gender based discrimination

CASES BY INDICATORS

1. MURDER
6

2. KIDNAPPING
8

3. FORCED DISAPPEARANCE
7

4. ARBITRARY DETENTION
48

5. TORTURE
2

6. AGRESSIONS & ATTACKS
306

7. STIGMATIZING DISCOURSE
43

8. ACCESS TO INFORMATION
84

9. JUDICIAL PROCEDURES AGAINST MEDIA & JOURNALISTS
33

10. ABUSE OF STATE POWER
112

11. JURIDICAL FRAMEWORK CONTRARY TO STANDARDS
11

12. INTERNET RESTRICTIONS
74

SOURCE: VDS PROGRAM ALERTS
In Central America in particular, violence and impunity place journalists and media under a state of constant fear and self-censorship. In Honduras, investigative reporters, especially those covering organized crime and government-sponsored corruption, are systematically subjected to threats, intimidation, and physical violence, making it one of the world’s most dangerous places for journalists.

In Nicaragua, the social crisis that erupted in massive anti-government protests proved lethal for journalist Angel Gahona, while two other reporters have been imprisoned and tortured under accusations of terrorism for exercising their journalistic work. In general terms, the independent journalists in Nicaragua have been systematically attacked, jeopardizing their lives, rights, property and equipment.

Central America’s justice systems, often in complicity with organized crime and corrupt officials, fail to investigate and prosecute these attacks. Where specific mechanisms for protecting journalists exist, they have proven ineffective in dealing with the appalling security conditions of journalists. A similar situation takes place in Mexico, a country that in 2018 continued to rank as the deadliest nation (not in an armed conflict) for journalists worldwide. A chapter on Mexico is not included in this report since, for the time being, it is outside the scope of Voces del Sur.
REGIONAL COMPARISON

1. MURDERS: 6

2. KIDNAPPINGS: 8

3. FORCED DISAPPEARANCES: 7

4. ARBITRARY DETENTIONS: 48

5. TORTURES: 2

6. AGRESSIONS & ATTACKS: 297

7. STIGMATIZING DISCOURSE: 47

8. ACCESS TO INFORMATION: 80

9. JUDICIAL PROCEDURES AGAINST MEDIA & JOURNALISTS: 37

10. ABUSE OF STATE POWER: 112

11. JURIDICAL FRAMEWORK CONTRARY TO STANDARDS: 11

12. INTERNET RESTRICTIONS: 74
RESULTS per Country
Argentina
• **Context**

The election of Mauricio Macri to the presidency has marked a lowering of tensions between the State and the Media in Argentina. This improved environment has enabled investigative reporters to denounce and investigate alleged corruption schemes that were prevalent during the former administration. The journalistic investigations known as the “Bribery Notebooks” were published in August 2018 and opened one of the most important corruption cases in Argentina’s history.

These investigations reveal in detail the trail through which bags full of money allegedly related to millions in bribes from contractors to Kirchner governments circulated. This case demonstrated that journalists are relatively free to exercise their work, even when they expose abuses by the highest circles of power – at least in Buenos Aires. Journalists and media who carry out this kind of investigation face challenges, yet they enjoy widespread recognition and social support in the capital.

The situation is different in the Argentinian provinces. There, journalists face constant physical attacks, violent threats that seek to intimidate, and abuse of power by local authorities and organized crime.

• **Alerts**

During 2018, 51 alerts of direct attacks against press freedom and freedom of expression were registered in Argentina; 82% relate to aggressions and attacks, 4% to access to information, 7% to abusive use of state power and 7% to internet restrictions. In 10 of the 49 alerts the state is identified as the perpetrator. The registered alerts do not necessarily reflect systemic persecution of the press in Argentina, but they do reveal a trend that poses a threat to press freedoms and freedom of expression in the country: so-called strongman politics.

This style of authoritarian leadership is especially present in the provinces and the country’s interior; 34 alerts were registered in the provinces, 17 in Buenos Aires. Non-state actors, particularly organized crime and drug traffickers, represent a threat in the provinces. Journalists and media workers in Paraná receive public death threats from accused drug traffickers, whereas the city of Rosario is a drug trafficking hub under a permanent war between cartels. Few cases of attacks against press freedoms and freedom of expression are registered annually in these areas. Journalists and outlets are threatened and pressured to refrain from registering any such attacks.
ARGENTINA
ATTACKS AGAINST FREEDOM OF EXPRESSION
JANUARY - DECEMBER 2018

OVERVIEW

- 51 ALERTS
- 3 Events with indications of gender based discrimination
- 10 Incidents perpetrated by State officials

CASES BY INDICATORS

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Alert(s)</th>
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<tr>
<td>1. MURDER</td>
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<tr>
<td>2. KIDNAPPING</td>
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<tr>
<td>3. FORCED DISAPPEARANCE</td>
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<tr>
<td>4. ARBITRARY DETENTION</td>
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<tr>
<td>5. TORTURE</td>
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<tr>
<td>6. AGRESSIONS &amp; ATTACKS</td>
<td>42</td>
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<td>7. STIGMATIZING DISCOURSE</td>
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<td>8. ACCESS TO INFORMATION</td>
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<td>9. JUDICIAL PROCEDURES AGAINST MEDIA &amp; JOURNALISTS</td>
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<tr>
<td>10. ABUSE OF STATE POWER</td>
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<td>11. JURIDICAL FRAMEWORK CONTRARY TO STANDARDS</td>
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<tr>
<td>12. INTERNET RESTRICTIONS</td>
<td>3</td>
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SOURCE: FOPEA/ARGENTINA
IN FOCUS: The Sustainability of The Media

In general, the state is the primary aggressor against press freedoms and freedom of expression in Argentina. This also manifests itself in financial terms. The loss of media jobs is perhaps the biggest threat to journalism in the country. This phenomenon has intensified over the last 5-6 years. During the Kirchner years new media outlets emerged that were funded through state advertisement. The state’s abusive practice of allocating its advertising budget without transparency to serve its own interests has had a negative impact on the quality and quantity of voices in the media, as outlets are financially asphyxiated and forced to shut down. FOPEA’s Labor Observatory estimates that only between 2017 and 2018 1,634 jobs were lost in journalism adding to a total of 3,000 lost jobs since 2015 and an equal or even greater amount are at risk today.

• Recommendations

As the most critical and violent threats against press freedoms and freedom of expression in Argentina are present in the provinces, efforts and resources ought to be focused there. CSOs and media outlets must work together in order to develop the capacities, knowledge and tools to face attacks from non-state actors. Efforts to enhance audience engagement and loyalty are of paramount importance. Strong communities and relationships between journalists, outlets and readers can help mitigate the abuses of strongman politicians. Furthermore, this kind of social capital can serve as the foundation for innovative business models for sustainable independent journalism, such as memberships. The independent media ecosystem must be analyzed and strengthened from an entrepreneurial perspective in order to boost existing models and stimulate the emergence of new ones.
Bolivia
• Context

Persecution of the press is institutionalized in Bolivia. Its main pillars include financial asphyxiation of independent media outlets through abusive practices in the allocation of state advertisement; the approval of norms that restrict press freedoms and freedom of expression and facilitate censorship; and an official discourse that stigmatizes journalists and outlets. Insults, reputational attacks and threats constitute a sinister call to action for pro-government sectors to physically and verbally assault, as well as rob, reporters assigned to cover social conflicts or other sensitive issues. Journalists in Bolivia are exposed to threats and verbal attacks from a number of actors ranging from the president to the police, also including ministers, mid-level officials and mayors. Since 2016 the government, its officials, and allies have orchestrated a campaign to undermine investigative journalism by labeling independent journalists and media outlets as the “cartel of lies”. The polarization caused by this stigmatizing discourse is promoted at the highest levels of government and translates to threats and attacks, both physical and verbal, against journalists and their close ones. State agents and members of the ruling party perpetrate most of these.

• Alerts

There were 65 registered alerts in Bolivia in 2018. Some 70% of the them point towards the state, including the police, judges, ministers and even the president as the main perpetrator. Stigmatizing discourse accounts for 32% of registered alerts in the country and the state is identified as the perpetrator in 86% of all cases of stigmatizing discourse. This reveals a pattern of confrontation between the state and the media that has been prevalent during the successive governments of Evo Morales.

There were also 18 cases of attacks and aggressions, which represent 28% of all alerts. State forces are again the most common perpetrator. This corroborates the systematic pattern of state promoted violence against the press in Bolivia. Furthermore 57% of all state sanctioned attacks and aggressions were directed towards women, which might also reveal a worrying pattern of misogyny.

The third most common incident in Bolivia in 2018 was the abusive use of the state apparatus, accounting for 18% of all alerts. Bolivia ranks at the top of the countries in this report on the number of proposed and/or approved legislation that limits press freedoms and freedom of expression; yet another example of the state’s systematic efforts to silence independent media in the country.
BOLIVIA
ATTACKS AGAINST FREEDOM OF EXPRESSION
JANUARY - DECEMBER 2018

OVERVIEW

46 Incidents perpetrated by State officials
5 Events with indications of gender based discrimination
65 ALERTS

CASES BY INDICATORS

1. MURDER
2. KIDNAPPING
3. FORCED DISAPPEARANCE
4. ARBITRARY DETENTION
5. TORTURE
6. AGRESSIONS & ATTACKS
7. STIGMATIZING DISCOURSE
8. ACCESS TO INFORMATION
9. JUDICIAL PROCEDURES AGAINST MEDIA & JOURNALISTS
10. ABUSE OF STATE POWER
11. JURIDICAL FRAMEWORK CONTRARY TO STANDARDS
12. INTERNET RESTRICTIONS
• Recommendations

In Bolivia, press freedoms and freedom of expression have been weakened over the last years. CSOs and media outlets must collaborate to mitigate and counter the stigmatizing discourse that seeks to erode the social capital between journalism and its audience. The Bolivian independent media ecosystem must seek economic, political and social sustainability. Loyalty and trust between journalists, outlets and citizens can play a key role. As for Bolivia’s worrying juridical framework, advocacy efforts ought to be directed towards the creation of some kind of task force to better understand and face this challenge. This should be carried out within the framework of the Inter American Human Rights System. It is recommended for the Government to implement a comprehensive strategy to promote and defend press freedoms and freedom of expression.

IN FOCUS: Profitable Propaganda and Financial Asphyxiation

Under president Evo Morales, state owned media outlets have become an extraordinary propaganda apparatus. The government’s rhetoric is broadcast and promoted all over the country through a network of more than 200 radio stations in urban and rural areas. Radio Patria Nueva coordinates this massive network. The strength of state-run television rests on the Tupak Katari communications satellite, which transmits Bolivia TV’s signal throughout the entire country and even to other continents. The satellite also broadcasts the signal of private television channels that belong to government allies and are rewarded with state advertisement. Independent media outlets that criticize the government are excluded from state advertisement and satellite broadcasting. Furthermore, the Bolivian government has drafted and approved 13 laws and decrees to force newspapers, radio and television stations to advertise state campaigns for free. These measures, added to the aforementioned propaganda apparatus through state and allied media outlets, constitute a powerful mechanism to muster political support for the president.
Ecuador
• **Context**

Ecuador is currently transitioning from a government known for its hostility towards the free press to a government that is open to dialogue and willing to deescalate confrontation. The new government has adopted strategies and measures to consolidate this process. Abuse of state power and aggressions against journalists were rampant under the previous government of Rafael Correa. These have given way to a considerable decrease in animosity against the press and the implementation of meaningful reforms, such as the removal of the Communications Superintendent, the reform of the Communications Law, and the elimination of the Superintendence of Information and Communication. This controversial institution abusively sanctioned and fined journalists and media outlets. Sanctions and fines have practically disappeared. Lenin Moreno’s government has generally attempted to recognize and respect the role of the media in holding the public sector accountable.

Nevertheless, there still exist considerable threats and risks against press freedoms and freedom of expression in Ecuador. State actors are still carrying out the majority of attacks against the press in the country, through administrative, judicial and legislative measures. These attacks are no longer originating from the central government, but from local authorities and officials instead. Examples include public authorities and officials pushing forth processes to criminalize and prosecute those who criticize them on social media leading up to fines and imprisonment; aggressions against reporters and camera operators covering political party mobilizations; and cases of online censorship.

• **Alerts**

In 2018 a total of 83 alerts were registered for violations against press freedoms and freedom of expression in Ecuador. 30% of those cases were related to Internet restrictions including closure and arbitrary suspension of social network accounts, hackings, cyber threats and blocking of web sites. Most of these violations were perpetrated either by unknown sources or by international private businesses. This might reveal a fundamental weakness in Ecuadorian online journalism: cyber security. Aggressions and attacks accounted for 28% of registered alerts.

The state, mostly through local authorities and mid-level officials, was identified as the perpetrator in 25% of these violations. This is also the case in violations related to abusive use of state power; most violations come from mid-level political authorities. Low levels of respect and tolerance shape a worrying trend among local and mid-level authorities in Ecuador.
ECUADOR
ATTACKS AGAINST FREEDOM OF EXPRESSION
JANUARY - DECEMBER 2018

OVERVIEW

83 ALERTS

- 3 Events with indications of gender-based discrimination
- 26 Incidents perpetrated by State officials

CASES BY INDICATORS

1. MURDER
   - 3

2. KIDNAPPING
   - 3

3. FORCED DISAPPEARANCE
   - 0

4. ARBITRARY DETENTION
   - 0

5. TORTURE
   - 0

6. AGRESSIONS & ATTACKS
   - 24

7. STIGMATIZING DISCOURSE
   - 9

8. ACCESS TO INFORMATION
   - 6

9. JUDICIAL PROCEDURES AGAINST MEDIA & JOURNALISTS
   - 6

10. ABUSE OF STATE POWER
    - 7

11. JURIDICAL FRAMEWORK CONTRARY TO STANDARDS
    - 0

12. INTERNET RESTRICTIONS
    - 25

SOURCE: FUNDAMEDIOS / ECUADOR
• Recommendations

There is a clear need for a system through which the state can promote a far-reaching society-wide recognition of the role of journalism, as well as implement holistic safeguards for journalists. In that respect the creation of the Committee for the Protection of Journalists, a civil society initiative, is recognized as an important step, but it must be taken further. Special measures should be designed and implemented to mitigate risks generated by non-state actors. Additionally, efforts should be made to consolidate the positive changes related to the transition from the Correa government to the Moreno government. These measures ought to include strategies to turn local authorities and mid-level officials from detractors to allies of independent journalism.
Honduras
**Context**

Honduras faces major problems regarding press freedoms and freedom of expression. All of them have worsened since the re-election of Juan Orlando Hernandez for his second term as President. State sponsored aggression against journalists, their property and equipment is rampant and remains in impunity.

Persecution, harassment, surveillance, censorship and self-censorship create a vicious cycle that stifles quality independent journalism. Institutionalized hostility from the country’s economic and political power structures towards the right to protest and the right for journalists to cover protests makes covering the erosion of civic space a high-risk endeavor. This factor has worsened after December 2017 when Juan Orlando Hernandez imposed his power over protests caused by generalized malaise regarding and rejection of seemingly fraudulent election results. More than 30 people were murdered, a figure confirmed by the Office of the United Nations High Commissioner for Human Rights.

At least five people have also been imprisoned as a form of political retaliation and media outlets that differ from the official line have been attacked. This limitation and reduction of civic space for open and public debate is a severe threat to democracy and human rights in Honduras.

**Alerts**

Throughout 2018, 57.5% of registered alerts in Honduras were related to aggressions and attacks against journalists. Most of these occurred in the context of journalistic coverage of protests by Honduran citizens. Many of these attacks included the destruction or confiscation of journalistic equipment. Threats of aggressions and attacks were also very common, leading to the forced displacement of at least one journalist. Violations related to access to information account for 12.6% of registered alerts. These violations against press freedoms and freedom of expression aim to restrict the ability of journalists to inform the population about the state’s bloody repression of protests. Of the 80 registered alerts of in Honduras in 2018, 69% identify the state as the perpetrator.
HONDURAS
ATTACKS AGAINST FREEDOM OF EXPRESSION
JANUARY - DECEMBER 2018

OVERVIEW

80 ALERTS

55 Incidents perpetrated by State officials

3 Events with indications of gender-based discrimination

CASES BY INDICATORS

1. MURDER
0

2. KIDNAPPING
0

3. FORCED DISAPPEARANCE
0

4. ARBITRARY DETENTION
6

5. TORTURE
0

6. AGRESSIONS & ATTACKS
46

7. STIGMATIZING DISCOURSE
5

8. ACCESS TO INFORMATION
10

9. JUDICIAL PROCEDURES AGAINST MEDIA & JOURNALISTS
3

10. ABUSE OF STATE POWER
4

11. JURIDICAL FRAMEWORK CONTRARY TO STANDARDS
1

12. INTERNET RESTRICTIONS
5

SOURCE: C-LIBRE / HONDURAS
IN FOCUS: Secrecy as a Policy of State

Honduras has become a country of secrets. The approved Law of Official Secrets and Declassification of Public Information exempts more than 20 public institutions from providing access to information regarding their actions on matters of public interest. This is an effective tool for the government to hide information on issues such as security and defense, budgets and public purchases. It places these institutions beyond the reach of the law for access to public information. It seems that the Institute for Access to Public Information will declare information related to natural resource issues, such as social and environmental impact studies for projects, confidential. This is concerning given the prominence of extractive economic activities such as mining; it may well result in abuses against territorial, indigenous, and environmental rights, as well as the criminalization of resistance against these projects.

• Recommendations

It is imperative to ensure that civil and penal legislation in Honduras meets the standards espoused by the Inter-American Commission on Human Rights, including protection for journalists from arbitrary and malicious judicial processes. Inter-American benchmarks on press freedoms and freedom of expression provide a clear roadmap. Libel and defamation crimes must be processed primarily through civil channels. The current legal system is a weapon against press freedoms and freedom of expression and must be reformed. Furthermore, existing mechanisms for the protection of journalists and human rights defenders such as special prosecutors for human rights must be diligent and willing to face powerful actors. The judiciary must guarantee access to justice, as impunity is a major problem. The international community, including regional and global human rights organisms, must accompany this process in a role of watchdog to combat impunity.
Nicaragua
• Context

Press freedoms and freedom of expression have gradually deteriorated in Nicaragua in 11 years since Daniel Ortega took office. Journalism has become a high-risk occupation. Censorship, most notably in the form of a strictly enforced prohibition against independent journalists covering public institutions and government activities, has given way to military intervention of newsrooms, criminalization and imprisonment as the government’s preferred attack against the free press.

More than 73 journalists fled the country between April and December 2018 to protect their lives and freedoms. Many continue their journalistic work from abroad. Nevertheless, their families who remain behind are also targeted.

The state is the most frequent perpetrator in attacks against press freedoms and freedom of expression, especially after the onset of massive national protests in April 2018. Sympathizers of the ruling FSLN party and paramilitary groups that answer to the Ortega government also account for a considerable share of violations. The state regulator is responsible for systematic attacks against the free press, including administrative and judicial harassment.

Nicaragua has had a law for access to public information for 12 years. Yet it has never been enforced. The regime’s official policy is secrecy and a tight control to ensure that only its own journalists have access to conveniently self-serving information. Between January and March of 2018, before the ongoing democratic and human rights crisis started, 87% of all violations against press freedoms and freedom of expression fell under the access to information category.

• Alerts

During 2018, 234 alerts pertaining to violations against press freedoms and freedom of expression were registered in Nicaragua. Of these, 53% are cases of aggression and attacks, 12% arbitrary detentions, 10% restrictions on access to information or direct obstruction of journalistic work, and 9% abusive use of state power. One journalist, Angel Gahona, was murdered, and there are also six cases of forced disappearances, eight judicial procedures, six forced disappearances and two cases of torture. The state is the most frequent perpetrator of attacks against press freedom and freedom of expression, accounting for 57% of total registered alerts. Sympathizers of the ruling FSLN party and paramilitary groups that answer to the Ortega government also account for a considerable share of violations. However, these attacks have not been treated as violations perpetrated by the state.
NICARAGUA
ATTACKS AGAINST FREEDOM OF EXPRESSION
JANUARY - DECEMBER 2018

OVERVIEW

234 ALERTS

27 Events with indications of gender-based discrimination

134 Incidents perpetrated by State officials

CASES BY INDICATORS

1. MURDER
   1

2. KIDNAPPING
   4

3. FORCED DISAPPEARANCE
   6

4. ARBITRARY DETENTION
   28

5. TORTURE
   2

6. AGRESSIONS & ATTACKS
   125

7. STIGMATIZING DISCOURSE
   4

8. ACCESS TO INFORMATION
   24

9. JUDICIAL PROCEDURES AGAINST MEDIA & JOURNALISTS
   8

10. ABUSE OF STATE POWER
    20

11. JURIDICAL FRAMEWORK CONTRARY TO STANDARDS
    0

12. INTERNET RESTRICTIONS
    12

SOURCE: FBVCH
IN FOCUS: Terror and Resistance

Attacks against press freedoms and freedom of expression in Nicaragua have grown most severe in the context of the civic rebellion that broke out in April 2018. In ten months, journalists have been murdered, assaulted, criminalized, harassed, subjected to hate speech, unlawful detention, robbery and destruction of equipment. Ángel Gahona was murdered on April 21, 2018 live on air while covering the ongoing social uprising against the Ortega government.

Journalists Lucía Pineda Ubau and Miguel Mora are political prisoners; they have been irregularly charged and tried for alleged conspiracy to commit terrorist acts. Their outlet, 100% Noticias, was invaded by the police and de facto confiscated. The same is true of Confidencial’s newsroom and TV set, which remain occupied by the police. Its director, Carlos Fernando Chamorro, is one of dozens of Nicaraguan journalists forced into exile. Independent journalism is under fire from an extremely violent and oppressive regime in Nicaragua.

The state violates its mandate to guarantee the rights of journalists by becoming instead the main culprit of attacks against press freedoms and freedom of expression. Yet, the quality and resilience of Nicaraguan journalists and outlets has created an unprecedented surge in popular support and readership. Nicaraguan independent journalism has become a national and regional symbol of resistance in the face of state terror.

• Recommendations

It is important to understand that the Nicaraguan crisis is still ongoing. Press freedoms and freedom of expression in the country are still under a state of emergency. Maximum pressure is needed at both the national and international level to fully restore fundamental freedoms in Nicaragua. The country’s journalists need support both in Nicaragua and abroad, as those who remain are extremely vulnerable and those who have been forced into exile often lack the resources to carry on with their work. Class action strategic litigation should be undertaken in the framework of the Inter American Human Rights System for the violations perpetrated by the Ortega Murillo Regime against journalists and media outlets in Nicaragua.
Perú
• **Context**

The abuse of state power is the main threat against press freedoms and freedom of expression in Peru. Journalists and media outlets face reprisals in the form of accusations and legal procedures on the grounds of alleged crimes related to defamation and libel. Such is the case against Pedro Salinas and Paola Ugaz, independent journalists who denounced abuses committed within Sodalicio Vida Cristiana, a religious organization. The trial against them constitutes retaliation for their role in carrying out and publishing journalistic investigations that compromise officials and a sector of the Catholic Church for their links to acts of corruption. The justice system has also been used to threaten press freedoms and freedom of expression in other ways. On July 12, 2018 the journalistic directors of IDL-Reporteros, a collective of investigative journalism, and Panorama, a program on Panamericana Televisión, were subpoenaed by the Attorney General of Internal Control to reveal the source of audios published by both outlets that reveal acts of judicial corruption. These measures constitute an act of intimidation violating the right to the confidentiality of sources, which is constitutionally guaranteed and essential for journalistic work.

Attempts to control the press and violate freedom of expression show different characteristics at the local level. Media outlets beyond the country’s most important urban centers depend highly on state advertisement. The allocation of state advertisement is used as the primary tool to coerce outlets in this context. Journalists and outlets that question power and seek to hold accountable those who wield it are blacklisted. On the other hand, faithful propagandists and media that choose to look the other way are rewarded. Journalism is a vulnerable occupation in Peru, with problems that include low wages, high informality, and a generalized disregard for the labor rights of journalists. This vulnerability, coupled with the abusive allocation of state advertisement budgets, leads to many journalists and outlets compromising their editorial line for fear of losing access to scarce revenue. The “Mulder Law” (N° 30793) clearly attempts to undermine independent journalism by prohibiting state advertisement in non-state media outlets. The Constitutional Tribunal declared the law unconstitutional.

• **Alerts**

A total of 13 alerts were registered in Peru for violations against press freedoms and freedom of expression in 2018. Aggressions and attacks account for 38% of these alerts. Politics and organized crime are aggravating factors related to these kinds of violations. Two of the alerts are related to the Fuerza Popular party. Party members and supporters physically attacked and destroyed the equipment of a photographer who was covering a manifestation in support of Keiko Fujimori, who is currently held in the women prison in Lima under money laundering charges. Non-state actors such as organized crime and drug traffickers are signaled in relation to three alerts registered in the period. The abusive use of state power accounts for 31% of registered alerts in Peru in 2018. Two of them are related to judicial orders demanding that journalistic sources are revealed, in clear violation of international standards for the protection of sources. Two
alerts are related to political groups in the national Congress attempting to introduce measures to censor content. Finally, 23% of alerts relate to judicial procedures against journalists. These legal processes are also being used in Peru to try to censor the press specially when covering sensitive issues like the above-mentioned cases against the Catholic Church and corrupt government officials.

**Recommendations**

Greater efforts to identify and systematize the abuse of state power to undermine press freedoms and freedom of expression must be undertaken. These efforts ought to be developed in the framework of the Inter American Human Rights System in order to generate national and international pressure to curb these abuses. Furthermore, CSOs and media outlets must work together in order to better comprehend and mitigate the risks associated with non-state actors, especially outside of the primary urban centers. Finally, it is important to strengthen the capacities and knowledge of Peru’s independent media ecosystems regarding entrepreneurship and resilience, in order to limit the negative impact of economically unfavorable conditions such as the abusive allocation of state advertisement.

**IN FOCUS: The Threat of Organized Crime in the Provinces**

Threats and censorship are also present in areas of the country with rampant social conflict related to extractive economic activities, drug trafficking and illegal mining. Attacks of this nature are especially frequent in the country’s interior, in the framework of regional and local situations where organized crime is the ruling power. Two crucial alerts were registered in the southeastern region Madre de Dios. On January 6, 2018, in the early morning, Juan Berrios Jiménez’s car was set on fire just outside his house. The journalist publicly pointed his finger at the mayor of Iberia, Julián Toledo Huamán, denouncing that he was trying to scare him into refraining from publishing alleged acts of corruption. Manuel Calloquispe, correspondent for Latina and El Comercio in the same region, is facing threats from a criminal organization. He covered a preventive prison hearing involving members from the group. These cases aggravate the context of violence in the interior of the country, which is best exemplified by the tragic murder of journalist Hernán David Choquepata Ordóñez in Camaná, Arequipa, in the country’s south, towards the end of 2016. He was shot to death in his radio booth while transmitting his program. This crime remains unpunished to this day.
PERÚ
ATTACKS AGAINST FREEDOM OF EXPRESSION
JANUARY - DECEMBER 2018

OVERVIEW

- 13 ALERTS
- 2 Incidents perpetrated by State officials
- 2 Events with indications of gender-based discrimination

CASES BY INDICATORS

1. MURDER
   - 0

2. KIDNAPPING
   - 0

3. FORCED DISAPPEARANCE
   - 0

4. ARBITRARY DETENTION
   - 0

5. TORTURE
   - 0

6. AGRESSIONS & ATTACKS
   - 5

7. STIGMATIZING DISCOURSE
   - 0

8. ACCESS TO INFORMATION
   - 0

9. JUDICIAL PROCEDURES AGAINST MEDIA & JOURNALISTS
   - 3

10. ABUSE OF STATE POWER
    - 4

11. JURIDICAL FRAMEWORK CONTRARY TO STANDARDS
    - 0

12. INTERNET RESTRICTIONS
    - 1

SOURCE: IPYS/PERÚ
Uruguay
• **Context**

In spite of a generally favorable environment for press freedoms and freedom of expression, alerts were registered in Uruguay in 2018 pertaining to incidents that—according to international and regional standards—constitute violations, and threaten journalists and their work.

Although no major or severe alerts were registered in the period reviewed for this report, it is important to note that the attack against journalist Isabel Prieto, from Caras y Caretas magazine, remains in impunity since 2017 as the case has not been solved and the perpetrators have not faced justice.

The sustainability of independent media outlets is one of the most important threats to press freedoms and freedom of expression in Uruguay. Independent media outlets in the country are facing a financial and a business model crisis that has led to many journalists losing their jobs. Drastic reductions in advertising budgets over the last few years have had a negative impact on the sustainability of the entire media ecosystem.

• **Alerts**

Throughout 2018, 12 alerts against press freedoms and freedom of expression were registered in Uruguay. Aggressions and attacks make up 41.6% of the alerts; non-state actors committed all of these. Meanwhile 33.3% of alerts were linked to judicial procedures against media outlets and journalists; the state perpetrated most of these. The State is also identified as the perpetrator for one alert related to stigmatizing discourse, and one alert related to access to information.

These cases show that even if the State is not responsible for aggressions and attacks against journalists, political operators still see the state apparatus as a tool to be used against reporters who are deemed as adversaries. Furthermore, there is one alert for juridical framework contrary to standards.

On April 24, 2018 the executive branch of government inserted a worrying article to a decree that regulated the Law on Hydro-biological Resources, negatively affecting access to information and establishing a mechanism to censor scientific and academic work.
URUGUAY
ATTACKS AGAINST FREEDOM OF EXPRESSION
APRIL 2017 - MARCH 2018

OVERVIEW

6 Incidents perpetrated by State officials
12 Alerts
0 Events with indications of gender based discrimination

CASES BY INDICATORS

1. MURDER
0

2. KIDNAPPING
0

3. FORCED DISAPPEARANCE
0

4. ARBITRARY DETENTION
0

5. TORTURE
0

6. AGRESSIONS & ATTACKS
5

7. STIGMATIZING DISCOURSE
1

8. ACCESS TO INFORMATION
1

9. JUDICIAL PROCEDURES AGAINST MEDIA & JOURNALISTS
4

10. ABUSE OF STATE POWER
0

11. JURIDICAL FRAMEWORK CONTRARY TO STANDARDS
1

12. INTERNET RESTRICTIONS
0
IN FOCUS: Progress on Access to Information

The year 2018 marked the tenth anniversary of the approval of the Law of Access to Public Information in Uruguay. This is a milestone worth celebrating because it has effectively contributed to greater transparency around matters of state and public interest. Nevertheless, ensuring the proper enforcement of the law is a constant battle. Many sectors within the state fail to comply with their obligations regarding access to public information and there is no binding enforcement mechanism to guarantee compliance. Regarding active transparency, there is also progress in public institutions’ compliance in terms of publishing information on their websites. Yet there is much to improve, as on average the public institutions that were reviewed only complied with 56% of their obligations related to active transparency.

• Recommendations

Uruguay’s strong enabling environment for press freedoms and freedom of expression must not lead to complacency. The attacks against journalist Isabel Prieto from Caras y Caretas magazine must be brought to justice. Journalists must be well trained on press freedoms and freedom of expression standards and mechanisms, national laws, and international treaties, and on ethical self-regulation of journalistic standards, including digital journalism and social media. Existing mechanisms must be improved and new ones created to ensure fast, effective, and secure ways to register threats against journalists, especially those in remote areas far from the main urban centers. The state must improve active transparency and compliance with national laws and international treaties adopted by the country. Civil society ought to monitor this compliance. The state must also guarantee access to information and facilitate the work of journalists, especially in key contexts such as elections and matters of public interest. Transparent processes and oversight must be in place to prevent abuses in cases in which state institutions seek exemptions to avoid publishing information. Citizens must be empowered on their right to access public information, as this matter is so far considered pertinent namely for journalists and civil society organizations. Independent media outlets need to garner greater support by filling the voids created by the weakening of traditional media outlets. It is of crucial importance for the law to regulate the production, planning, and allocation of state advertisement to be approved before the end of the current legislative cycle to consolidate this new step forward in Uruguayan democracy regarding a strong free press and transparency in the use of public resources.
• Context

Venezuela’s situation regarding press freedoms and freedom of expression is critical. The most frequent attacks against the free press and independent journalism are related to abuse of power, especially from the state. Censorship has severely undermined traditional and digital journalists and media outlets. In the digital realm Armando.info, El Pitazo, El Nacional, Cactus24 and La Patilla were blocked in 2018. Private and state Internet service providers have arbitrarily blocked these sites violating due process, which demands a warrant and an official justification of these measures. These blockages are implemented through DNS and HTTP censorship, intermittently blocking connection ports in the Internet services provided by CANTV, Movistar, MoviNet and Digitel. Journalists face travel restrictions or other measures from government authorities that violate their freedom of movement. Targeted judicial proceedings have turned the courts into instruments of harassment against journalists, editors, and outlets; Tal Cual, El Nacional, La Patilla, Correo del Caroní, and Armando.info all face libel charges.

Impediments for access to information are another major threat. Official indicators and statistics are not made public with the required quality or regularity; this means a blackout of even key basic information necessary to assess the country’s economic situation such as inflation and GDP. The government has failed to publish the National Budget Law for three years, turning it into a de facto state secret. The country’s National Institute of Statistics has not conducted the people and housing census since 2011, creating an enormous gap in demographic data. Other key social welfare indicators such as maternal and child mortality rates, or information regarding health epidemics, have also been kept in the dark since 2012. The government’s policy is based on a complete lack of transparency and access to information regarding matters of public interest.

Restrictions on press freedoms and freedom of expression in Venezuela are intrinsically tied to crippling institutional weakness and a failure of the rule of law. Economic, legal, and political guarantees are weak or nonexistent. Misinformation and propaganda have long kidnapped the public agenda at a national level. Over the last 10 years the state has abused public resources for politically favorable communications campaigns. The forced sale of media outlets and drastic changes in editorial lines, censorship and self-censorship, have flagellated Venezuelan journalists and outlets as a result of a deliberate government plan of attack against press freedoms and freedom of expression.

• Alerts

In 2018, 196 alerts were registered in Venezuela. The most heinous include the murder of camera operator Manuel Pareo, one case of kidnapping, and one case of forced disappearance among the most severe alerts. The independent media is facing one of its darkest moments in the country’s history. State orchestrated shortages of paper, ink and other inputs threaten its very survival. Abusive use of state power accounts for 31.6% of registered alerts, as the Maduro regime and its operators have attempted to silence journalists. Aggressions and attacks account for 20.9% of alerts, whereas
19.3% were related to access to information; the state is identified as the perpetrator for a majority of these cases. In this period, 13.2% of all alerts were linked to Internet restrictions. There were twelve alerts related to the arbitrary detention of national and international journalists. Political operators also used the judicial system to intimidate journalists with eight registered cases of judicial procedures against media outlets and journalists. Worryingly, the state is listed as the perpetrator in 62% of all registered alerts in Venezuela. This does not take into account violations committed by supporters of the Maduro regime that often act on behalf or with the acquiescence of the State.

**Recommendations**

Violations against press freedoms and freedom of expression in Venezuela are related to the country’s deep social, economic and political crisis. In the context of Venezuela’s tense environment, state censorship and repression may worsen. Continuing to monitor violations of press freedoms and freedom of expression is therefore essential. The Venezuelan state ought to guarantee the security conditions to allow journalists and media to exercise their work free from physical and psychological violence; this includes preventing and investigating cases where press freedoms and freedom of expression are at risk. To the contrary, the state is identified as the main perpetrator of attacks against press freedoms and freedom of expression. The approval of the Anti-Hate law by the
National Constituent Assembly further encourages authorities to exercise censorship whenever an investigation or report is deemed to incite hate. The law includes prison sentences, ranging from 10 to 20 years, for journalists and media who do not comply with censorship requests by authorities. Article 27 of the Law on Social Responsibility in Radio, Television and Electronic Media sets conditions for the regulation and prohibition of content. Both norms further hinder press freedoms and freedom of expression in an already precarious context and should be re-written according to international standards. Public policies around Internet access have been limited by regulatory processes affecting market competitiveness and incentives for investment. This has had a negative impact on technological advancements in the telecommunications sector. Policies related to Internet access should be guided by the principles of inclusion, diversity, openness, competitiveness and freedom.
VENEZUELA
ATTACKS AGAINST FREEDOM OF EXPRESSION
OCTOBER - DECEMBER 2018

OVERVIEW

196 ALERTS

- Events with indications of gender-based discrimination: 1
- Incidents perpetrated by State officials: 122

CASES BY INDICATORS

1. MURDER: 1
2. KIDNAPPING: 1
3. FORCED DISAPPEARANCE: 1
4. ARBITRARY DETENTION: 12
5. TORTURE: 0
6. AGRESSIONS & ATTACKS: 41
7. STIGMATIZING DISCOURSE: 3
8. ACCESS TO INFORMATION: 38
9. JUDICIAL PROCEDURES AGAINST MEDIA & JOURNALISTS: 8
10. ABUSE OF STATE POWER: 62
11. JURIDICAL FRAMEWORK CONTRARY TO STANDARDS: 3
12. INTERNET RESTRICTIONS: 26

SOURCE: IPYS / VENEZUELA
Regional Conclusions and Recommendations

Latin America’s progress towards SDG 16 and target 16.10 has been limited. Freedom of Expression has improved slightly, according to Reporters Without Borders’ latest report. Yet several Latin American societies continue to face severe problems related to press freedoms and freedom of expression: authoritarian state policies to attack the press, limited revenue and funding for independent media outlets, extreme violence against journalists, and rampant impunity. To accelerate progress towards SDG 16 and target 16.10 in Latin America, diverse stakeholders in the region’s media ecosystems must collaborate to improve the capacity to measure the state and impact of independent journalism, as well as to build an environment that enables the economic, political, and social sustainability of a free press.

Challenges and limitations pertaining to the way SDG 16 is monitored are signaled throughout this report. Cases beyond the most severe, such as murder or imprisonment, are difficult to categorize and document in a standardized way. Important obstacles such as financial barriers and externalities such as a weak rule of law have a large impact yet are not taken into account. Harassment is often used as a blanket term. It is difficult to monitor the effectiveness of access to information laws in a methodologically consistent way that can facilitate comparisons across countries. Follow-up and analysis of registered attacks against press freedoms and freedom of expression is weak.

Recommendations for Journalists and Civil Society

1. Measurement: Broad coalitions with diverse actors that bring specific tools, perspectives, and competencies ought to be built in order to monitor and follow up on each of the many conditions that must be met to fulfill SDG 16. Indicators at the base must be detailed and rigorous, distinguishing clearly between different types of harassment, taking into account phenomena such as judicial persecution and financial asphyxiation. These indicators must feed complex and methodologically robust coefficients in order to favor regional and global comparisons and analyses.

2. Entrepreneurship: A similar process should be undertaken to measure the economic, political, and social returns of independent journalism. The Latin American media sector is ripe for a focus on social entrepreneurship whereby outlets can thrive through a mix of development cooperation, impact investment and sustainable
revenue streams such as advertising, crowdfunding, membership models, and new innovative business units. Learning to measure the nonfinancial returns on investment in quality journalism would be a huge boost for the ecosystem. The economic, political, and social viability of independent media ecosystems and SDG 16 go hand in hand. At the economic level symbiotic business and journalistic models must be developed; as for any other industry the rules must be fair, clear and favor innovation. For example, media that favor economic and political power structures must have no illegitimate advantages in the marketplace. Outlets and journalists must invest in understanding their audiences through research in order to build up loyalty. This translates into willingness to provide financial support but also social support, for example by protesting in the case of attacks against outlets and journalists. At the political level, civil society must build and promote an agenda to strengthen the state’s technical capacity to fulfill its role as duty bearer, simultaneously creating a system of checks and balances to hold states accountable.

3. Gender: The violence and harassment faced by women journalists in Latin America might not be properly captured by current monitoring methodologies. Indicators must be able to grasp gender-based violence both in the field and in the newsroom. Sexual harassment, psychological abuse, online trolling and other forms of human rights abuses are rampant and the perpetrators may even be colleagues. Wage gaps due to gender are also a cause for concern in journalism. Women journalists may tend to be more frequently affected by precarious working conditions, forced to work without contracts, with a lack of social protections, pensions, paid holidays and other social benefits. The discrimination that women journalists face in their careers and communities must also be addressed. Employers must take responsibility for the safety and wellbeing of women journalists through adequate gender policies and mechanisms.

• Recommendations for Governments and Authorities

1. Protecting journalists, Preventing violations and Prosecuting perpetrators of crimes against journalists: States and governments should put in place and implement measures specifically designed to improve the security of journalists so that they can exercise their rights and their work in an environment that is free from violence and intimidation. These measures should aim principally at protecting the life, integrity and property of journalists and media but should strive further to create an environment that is nurturing of journalistic work, that distributes equally and without political discriminations the public resources destined to advertisement (where available according to national laws and regulations), meeting international standards in transparency and accountability. The States’ understanding of press freedoms and freedom of expression should include both negative freedom and positive freedom. States should strive towards a media ecosystem that is not only free from violence and restrictions but that nurtures and actively promotes the exercise of press freedom and freedom of speech and an independent media that serves as a counter-
weight to political and economic powers. A positive freedom approach to press freedoms and freedom of speech means creating and supporting the attitudes, institutions and structures that create and sustain open and accountable societies, prerequisites for a functional democracy and more just and inclusive societies. From the negative freedom perspective, eradicating impunity for crimes against journalists is a top priority.

2. National Platforms/Coalitions for the Measurement and Promotion of SDG 16: States should form multi-stakeholder coalitions and national platforms to monitor, follow up and review progress towards all SDGs and particularly towards SDG 16. The coalitions and platforms must be open, broad and inclusive and must take into consideration government, media, and human rights organizations. The scope must also include monitoring of violations of freedoms of human rights defenders and labor Union leaders. An effort should be made to monitor SDG indicator 16.10.2 “Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information”, but the effort must go beyond just recording the number of countries that have put in place guarantees for public access to information, focusing on the effectiveness of those laws. An evaluation of their mere existence is not enough; an assessment of their implementation in a methodologically consistent way that can facilitate comparisons across countries is necessary. Both indicators of SDG 16.10 are still classified (as of April 4, 2019) as Tier II indicators meaning that they are conceptually clear, have an internationally established methodology and standards are available, but data is not regularly produced by countries. If the SDG are to be reached, this data gap must be addressed.

• Recommendations for the United Nations System

1. SDG 16.10.1: should be broadened to include other levels of threats and restrictions on press freedoms and freedom of expression such as financials barriers, judicial harassment and others that have been documented in detail in this report.

2. Strengthening of National Statistics Offices (NSO): The UN System should also assume a primary role in providing assistance for the technical and methodological strengthening of NSOs and in promoting the formation of National SDG Platforms, as well as generally supporting and monitoring the implementation of recommendations both at a country and regional level.