

STRENGTHENING REGIONAL COOPERATION TO

# END IMPUNITY FOR CRIMES AGAINST JOURNALISTS IN LATIN AMERICA

INTERNATIONAL SEMINAR

7 NOVEMBER

MEXICO CITY

## FINAL REPORT



UNESCO



GOBIERNO DE  
MÉXICO

## Executive Summary

In the last 12 years (2006-2018), 1110 journalists have been killed for reporting the news and bringing information to the public, according to UNESCO data. In nine out of ten cases, the killers go unpunished. It is in recognition of the far-reaching consequences of impunity, especially of crimes against journalists, that the United Nations General Assembly adopted Resolution A/RES/68/163 at its 68th session in 2013, which proclaimed 2 November as the 'International Day to End Impunity for Crimes against Journalists' (IDEI). Since then, UNESCO has been commemorating the IDEI through international seminars in Latin America (San José, Costa Rica, 2014), in Europe (Strasbourg, France, 2015), in Africa (Arusha, Tanzania, 2016), in Asia (Colombo, Sri Lanka, 2017), and in the Middle East (Beirut, Lebanon, 2018), and has relied on the support of key regional partners, such as the African Court on Human and Peoples' Rights, the Inter-American Court of Human Rights, and the European Court of Human Rights.

In 2019, under the patronage of H.E Andrés Manuel López Obrador, President of the Republic of Mexico, and in partnership with the Ministry of Foreign Affairs of Mexico, UNESCO organized an international conference on **"Strengthening regional cooperation to end impunity for crimes and attacks against journalists in Latin America"** on the occasion of the IDEI, on Thursday 7 November, at the National Museum of Anthropology in Mexico City, Mexico.

The event brought together more than 200 participants, including representatives of Member States, judicial operators, civil society, the media, and UN agencies. The seminar worked to identify steps ahead and concrete measures to strengthen the fight against impunity for crimes and attacks against journalists in the Latin America region, and contributed to enhance South-South cooperation on this issue. The event also brought together National Human Rights Commissions, and regional actors such as the Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (IACHR). In addition, UNESCO supported the Latin American Congress of Investigative Journalists (COLPIN) which opened at the end of the seminar and was notably attended by Olga Sánchez Cordero, Minister of Interior of Mexico, as well as 400 investigative journalists.

The conference was inaugurated with speeches from Moez Chakchouk, Assistant-Director General for the Communication and Information Sector of UNESCO, David Kaye, UN Special Rapporteur on Freedom of Opinion and Expression, Martha Delgado, Mexico's Undersecretary for Multilateral Affairs and Human Rights, and Jesús Ramírez Cuevas, General Coordinator of Social Communication and Spokesperson of the Government of the Republic of Mexico.

"We are gathered here today to pay a tribute to all the journalists killed in the world and especially in Mexico, and to join our forces to call for justice" said Moez Chakchouk, "Without justice, there is no way to break the cycle of impunity for crimes against journalists that plagues media freedom here in Mexico, in the Latin American region, and in so many other countries. Impunity is a potent fuel for perpetuating the cycle of violence against media professionals worldwide." He then added, "A society where journalists live in fear of reporting certain facts to

the public is a society that cannot make informed choices; it is a society that lives in the darkness of ignorance and cannot freely decide of its future.”

The Assistance-Director General noted that Mexico is one of the countries that always responds to UNESCO’s request of information on the judicial status of killings of journalists and mentioned that the Mexican Mechanism for the Protection of Human Rights Defenders and Journalists has recently undergone a thorough analysis by the Office of the High Commissioner for Human Rights (OHCHR). He encouraged Mexican authorities to implement the recommendations that resulted from this analysis, and emphasized UNESCO’s commitment to support the Mexican government in this endeavor. However, Mr Chakchouk also stressed the need for a multistakeholder approach in the fight against impunity and declared that “articulated and multidimensional work will strengthen and amplify efforts in favor of journalists and democracy in the country.” To that effect, he recalled the fact that “UNESCO and its partners have already organized the training of 12,000 judicial actors in Latin America and 1,800 in Africa on international and regional standards regarding freedom of expression and safety of journalists, and established Memoranda of Understanding with regional networks and human rights courts such as the Ibero-American Judicial Summit, the Inter-American Court of Human Rights, the African Court of Human and Peoples’ Rights and ECOWAS Court of Justice to strengthen knowledge of judges.”

The Assistant-Director General concluded his speech by calling for a multistakeholder approach in tackling the question of impunity for crimes against journalists, and also encouraged the participants of the seminar to support UNESCO’s campaign [#KeepTruthAlive](#), or #LaVerdadSigueViva in Spanish, developed *pro bono* by the creative agency Doyle Dan Bernbach (DDB Paris) and which sheds a light on the dangers faced by local journalists around the world.

Highlighting Mexico’s work to address 3000 recommendations on human rights, Martha Delgado stressed the need for Mexico to be a nation of freedoms, and emphasized that one of the pillars of democracy is freedom of expression. In this regard, David Kaye declared that violence and impunity cannot go hand in hand and called for increased resources aimed at the security and prosecution of those guilty of murders against journalists, as well as for the implementation of agreements on human rights.

Jesús Ramírez Cuevas, Spokesperson of the Presidency, reiterated Mexico’s commitment to the right to information, and to face the country’s challenges regarding human rights and impunity. He officially announced the **creation of a Fund to support investigative journalism, which will be administered independently by UNESCO, and mentioned that a social security program for freelance journalists will soon be launched, in order to address their precarious working conditions. The Spokesperson of the Presidency also underlined the Mexican government’s commitment to take into account the 104 recommendations of an independent assessment from the OHCHR, in order to strengthen Mexico’s national protection mechanism for human rights defenders and journalists, established in 2012.**

Following these introductory remarks, the conference was divided throughout the day into four sessions, each tackling an issue related to the safety of journalists and the question of impunity.

# Session 1

## Killing the witnesses: the industry of silence against journalists

- Adriana León (moderator)
- María Teresa Ronderos
- Marianela Balbi
- Miguel Ángel Gálvez
- Pavla Holcova
- Ricardo Trotti



The first session, entitled **“Killing the witnesses: the industry of silence against journalists”** provided an overview of the situation in the region of Latin America and at the international level regarding crimes and attacks against journalists and the issue of impunity. The session was moderated by Adriana León, Vice-coordinator of the Latin American Congress of Investigative Journalism (COLPIN), and included the participation of María Teresa Ronderos, Programme Director for the Committee to Protect Journalists; Marianela Balbi, Director of the Instituto prensa y sociedad de Venezuela (IPYS Venezuela); Miguel Ángel Gálvez, a Guatemalan judge; Pavla Holcova, an investigative journalist based in Prague and founder of [Investigace.cz](http://Investigace.cz) and Ricardo Trotti, Executive Director of the Inter-American Press Association (IAPA).

During the session, the following elements were highlighted:

- The progress made on the case of Jan Kuciak, a Slovakian investigative journalist killed in September 2018, was presented as a certain form of hope. The investigation has been going forward, primarily due to public involvement and strong mobilization by the population, who was extremely shocked in the wake of this murder. The fact that Jan Kuciak fiancée, Martina Kušnírová was also killed at the same time, also rocked the country. The couple was to be married a few weeks later, and Martina Kušnírová was buried in her wedding dress. The mobilization of the population, demanding for these crimes to be resolved, was a key element in allowing the investigation to move forward. Since then, not only the perpetrators, but also the suspect mastermind of these killings have been arrested, which is very rare in these types of cases.
- Panelists also noted the importance of monitoring and reporting on attacks against journalists as a step towards ensuring the safety of journalists, and stressed the fact that killing a journalists is not only murdering a person, it is also silencing a person revealing information of public interest and is therefore an aggravated crime. To this day, Spain is the only country that makes such a distinction in its Criminal Code. Moreover, it is the responsibility of the State to act against impunity, for journalists are like barking dogs: they can bark, but they cannot bite.
- The Latin American continent has the advantage of having a regional human rights system, which includes the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights. The Inter-American system is dealing more and more with cases of freedom of expression, safety of journalists and the question of impunity. This is essential to fight impunity in Latin America. The cooperation between international organizations and media networks must also be strengthened, and professional organizations should embrace this thematic of ending impunity, because it is not only the task of UNESCO and of other international organizations to do so.
- Judges present during the seminar underlined the need to enhance UNESCO’s on-going work in training judicial operators on freedom of expression, access to information and safety of journalists. Since 2013, UNESCO has already trained more than 12,000 judicial actors (including judges, lawyers, and prosecutors) in the Latin American region.
- There was also an intervention from the audience: a woman journalist from Guerrero state in Mexico who is currently living under the protection mechanism, has been displaced for safety reasons. She stressed the fact that the protection mechanism displaces journalists in order to protect them but does not give them a way to continue

their work and earn a living once they have been displaced. There is nothing in the current legislation to address this issue.

Following these discussions, the subsequent recommendations were formulated:

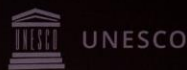
- The classification of crimes of opinion must be reviewed, as it can undermine freedom of expression and freedom of the press and opens the door to the repression of investigative work.
- To create and implement legal frameworks in which killing a journalist is classified as an aggravated crime, considering that the perpetrator not only takes another human's life, but also silences an investigation.
- Journalism can be a tool in the fight against impunity. Solidarity among journalists is necessary in order to ensure continued pressure and to call for an end to impunity for crimes committed against their fellow media professionals. Journalists themselves must and can keep the cases of violence against journalists in the public discussion, as well as provide data for the judicial investigation of these cases.

# Session 2

## Mechanisms of Prevention, Protection and Prosecution: experiences from the Inter-American System

- Aimée Vega (moderator)
- David Kaye
- Jonathan Bock
- Tatiana Guasti
- Guilherme Canela de Souza Godoi

FORTALECIMIENTO DE LA COOPERACIÓN REGIONAL PARA PONER



UNESCO



GOBIERNO DE  
MÉXICO



### FIN A LA IMPUNIDAD DE LOS CRÍMENES CONTRA PERIODISTAS EN AMÉRICA LATINA

SEMINARIO INTERNACIONAL  
7 DE NOVIEMBRE 2019 CIUDAD DE MÉXICO, MÉXICO

#NoALaImpunidad #EndImpunity



The second session, entitled “**Mechanisms of Prevention, Protection and Prosecution: experiences from the Inter-American System**” was coordinated by the Office of the Special Rapporteur of Freedom of Expression of the Inter-American Commission of Human Rights, and analyzed mechanisms of prevention, protection and prosecution to deliver justice for killed journalists. The session was moderated by Aimée Vega, General Coordinator of the Global Alliance on Media and Gender (GAMAG), and included the participation of David Kaye, UN Special Rapporteur on Freedom of Opinion and Expression; Jonathan Bock, Coordinator at the Center for Freedom of Expression Studies from the Fundación para la Libertad de Prensa (FLIP); Tatiana Guasti, Human Rights Specialist at the Inter-American Commission on Human Rights of the Organization of American States (OAS); and Guilherme Canela de Souza Godoi, Regional Advisor for Communication and Information, who represented UNESCO during this session.

The following elements were highlighted during this second panel discussion:

- The UN Special Rapporteur on Freedom of Opinion and Expression advocated for the creation of a rapid response mechanism to hold accountable those responsible for the killings of journalists. This mechanism would work to improve special-procedure methods and would notably enable UN Special Rapporteurs to work more efficiently on cases of crimes against journalist and to end impunity.
- In 2019, the protection mechanism in Colombia celebrated its 21 years of existence. Despite it facing many difficulties, the mechanism succeeded in significantly lowering the number of journalists killed. However, though the protection of journalism is important, it is not enough in the fight against impunity and leads to the press being escorted for years. The main issue is that journalists are living under this protection, while the person threatening them is often not worried and can keep threatening journalists. It is also essential that the protection mechanism should be a technical body and not a political one, and that a culture of safety should be developed by the media. There have been some initiatives by the media, but more should be done.

The following recommendations ensued at the end of the discussion:

- Research processes and budgets should be strengthened, both in the press and in the prosecutor's office, in order to continue the investigation for which the journalist was attacked. This could be a way to resolve certain cases of attacks against journalists.
- The gendered status of women journalists puts them in a particularly vulnerable position and requires different processes of protection and investigation that are sensitive to this gendered dimension. Women journalists face specific threats and increasing harassment, in particular in the digital sphere.
- The complex nature of violence against journalists should be further recognized through comprehensive policies that effectively address the 3 Ps: prevention, protection, and prosecution.



# Session 3

## Fighting impunity in Mexico: review of challenges and achievements

- Carmen Aristegui (moderator)
- Ricardo Sánchez Pérez del Pozo
- Alejandro Encinas Rodríguez
- Ana Cristina Ruelas
- Adela Navarro
- Luis Raúl González Pérez
- Jan Jarab



The third session, entitled “**Fighting impunity in Mexico: review of challenges and achievements**”, provided an overview of the challenges and achievements in fighting impunity in the Mexican context, where the difficulty to prosecute criminals remains a serious issue. The session was moderated by Carmen Aristegui, anchor of *Aristegui* on CNN en Español, and included the participation of Ricardo Sánchez Pérez del Pozo, Federal Prosecutor in charge of crimes against journalists; Alejandro Encinas Rodríguez, Deputy-Secretary for Human Rights, Population and Migration; Ana Cristina Ruelas, Director of ARTICLE 19 Mexico; Adela Navarro, Director of Zeta weekly in Tijuana; Luis Raúl González Pérez, former President of the National Human Rights Commission; and Jan Jarab, Representative of the Office of the High Commissioner for Human Rights in Mexico.

The elements bellow were highlighted:

- In the last 10 months, there has been an increase in the number of beneficiaries of the protection mechanism, which went from 750 to 1060. The protection mechanism is more known now than it used to be. However, two journalists that were under the protection of the mechanism were killed in the last years.

The following recommendations were formulated:

- The financial ties to criminal organizations that allow perpetrators of attacks against journalists to abuse and bribe officials in order to maintain impunity for their crimes must be cut. Corruption in judicial processes inhibits the rule of law and must be stopped.
- Media owners must be involved in journalists' safety and strengthen the conditions and tools of their workers.
- Legislative and systemic changes are needed to protect journalists from criminalization, aggression and harassment, particularly when journalists are tried for crimes of opinion which induce important economic costs.
- The Mexican protection mechanism for journalists should be strengthened.

# Session 4

## The way forward, including raising awareness, monitoring, and reinforcing capacities of key actors

- Emmanuel Colombié (moderator)
- Ricardo Pérez Manrique
- José Maria Costa
- Marina Atoji
- Saskia Baas
- Alastair King-Smith



The last session examined “**The way forward, including raising awareness, monitoring, and reinforcing capacities of key actors**” and offered a forward-looking approach to identify ways to strengthen the capacities of judicial members, law enforcement officers and human rights defenders, and to raise awareness on the importance to protect journalists and fight impunity. The session was moderated by Emmanuel Colombié, Director for Latin America of Reporters Without Borders, and included the participation of Ricardo Pérez Manrique, judge at the Interamerican Court of Human Rights; José Maria Costa, from the Supreme Court of Justice of Paraguay; Marina Atoji, Executive Director of the Brazilian Association of Investigative Journalism (Abraji); Saskia Baas from Free Press Unlimited; and Alastair King-Smith, Coordinator for the Global Campaign on Media Freedom from the UK Foreign and Commonwealth Office.

During this final session, the following elements were highlighted:

- There is a need for the specialized training of journalists on freedom of expression, and for the training of judicial operators and security forces on the safety of journalists. There must also be an obligation to investigate crimes against journalists and inform people of the results of these investigations. As such, guaranteeing a broader access to justice constituted the roadmap towards ending impunity for crimes committed against journalists, which is one of the elements of the 2030 Agenda SDG 16.
- A reason to be optimistic today is that different actors from different countries are actively participating in the discussion to end impunity. Moreover, as the investigation of crimes against journalists is done by public prosecutors, it is essential to include them in this process. The meeting in New York with judges, prosecutors, and with the Inter-American Court was very important in this regard, and the strategic agreement with all judicial actors in New York on this issue opened up new possibilities.

Furthermore, the following elements that led to European cases of journalist’s killings being solved were emphasized:

- The use of mechanisms and institutions that already exist.
- To document the cases in which justice has not been achieved in the murders and identify the reasons and the elements and institutions involved that contributed to the case not being resolved.
- To involve other journalists and deepen the investigation of the victim, usually this line of investigation will lead to finding the culprit of the murder of the journalist.
- Society needs to remain active, and understand that killing a journalist is an attack on freedom of expression and society as a whole.

By way of conclusion, the subsequent recommendations were formulated:

- The preventative aspect in the security of journalists should emphasize the development of mechanisms and resources to contain the threat and prevent the escalation of violence (“La amenaza es la antesala de la muerte” = “The threat is the prelude to death”).
- To create mechanisms that accelerate the reaction of the government and security forces to threats against journalists.

- To implement an investigation and intervention protocol for public prosecutors and law enforcements when there are cases of killings of journalists.
- Threats to journalists should be classified in the Civil Code as a felony, so that legal action can quickly be taken to protect the threatened journalist.
- Judicial systems must have independence, training and specialization.

As such, synergies and dialogue between representatives of national authorities, judicial actors, the media, the UN, and civil society were created during this IDEI international seminar, and a coalition of 17 international press freedom organizations (including the Committee to Protection Journalists, ARTICLE 19, and Reporters without Borders) used the momentum created by the UNESCO seminar to lead a mission in Mexico to meet all actors involved and advocate for the end of impunity for crimes against journalists.