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Assessment of Journalists' Safety in Guatemala - Based on UNESCO's Journalists' Safety Indicators (JSIs)

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Disclaimer: This is the draft final document of a pilot JSI project that was undertaken in 2013. The pilot version of the JSI tool has been used in the process. The findings may no longer correspond with the current situation in the country. The ideas and opinions expressed in this publication are those of the authors; they are not necessarily those of UNESCO and do not commit the Organization.

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1. Summary of the findings

Although it has been nearly two decades since Guatemala's peace treaty ended the Civil War and three since the country's return to Constitutional Rule, Guatemala is still one of the most dangerous countries in the world to be a journalist.

Today, while the press is more outspoken and free than ever before, a combination of violent, organized crime and the strong presence of Mexican drug cartels; a polarized political climate reflected in media coverage; powerful local interest groups; and high levels of corruption have all contributed to an environment in which Guatemalan media and their workers regularly confront pressures and attacks intended to stifle reporting on controversial subjects.

Out of the 20 journalists that were killed in the country in the past two decades, one fifth of these killings took place in 2013 alone. At the same time, monitoring agencies cited more than 50 additional threats and attacks took place against journalists, some of which were attributed to some members of governmental offices or the security forces. This year's level of aggression against journalists incited public criticism from UN Special Rapporteur Frank La Rue, who condemned the State's response to the violence as "regrettable."¹

There is a consensus among national stakeholder groups that journalists covering activities of criminal organizations, including drugs and human trafficking and especially those living and working outside Guatemala City, are at risk of threats, attacks, and are likely to engage in self-censorship² as a preventative, protective measure. Although stakeholders differ on statistics, there is a widespread agreement that violations against journalists and freedom of expression have increased over the past year, and that journalists' security is of national concern. Also, most interviewees for this report state that journalists – investigative journalists especially³– covering local and national corruption and issues related to large infrastructure and oil or mining projects have been the subject of targeted threats.

¹ Alejandro Martinez, "New period of violence against the press begins in Guatemala, UN rapporteur says," *Knight Center for Journalism in the Americas*, 22 August 2013. Available at:

<https://knightcenter.utexas.edu/blog/00-14323-new-period-violence-against-press-begins-guatemala-un-rapporteur-says>.

² Anna-Claire Bevan, "Reading between the lines: Journalism in Guatemala," *International News Safety Institute*, 27 July 2012. Available at:

<https://newssafetyblog.wordpress.com/2012/07/27/reading-between-the-lines-journalism-in-guatemala/>.

³ Interview with Frank La Rue, United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Skype, 2 December 2013.

Despite President Pérez Molina's announcement on November 28th 2013 of a national coordination mechanism to protect journalists under threat, and despite the fact that over the past year and a half, the State achieved an unprecedented number of sentences in cases of violence against journalists, there persists a widespread perception among journalists, media organizations, NGO's and other civil society organizations that the State's investigation and prosecution of crimes against journalists is deeply insufficient: few, if any, direct authors and masterminds of crimes are prosecuted and condemned. The proposed Journalists' Protection Plan is an important step forward; however, it remains to be seen how and when it will be fully applied.

At the same time that media organizations and journalists confront threats and attacks, a tendency within Guatemalan media toward ideological division along political lines compromises professional solidarity. Nevertheless, multi-stakeholder consensus among media, civil society, State, and inter-governmental sector leaders has been growing in favor of a comprehensive system to deal with the growing threats against the press. Guatemala is a signatory to the principal international treaties dealing with freedom of expression, and the State currently has several institutions that deal specifically with the safety of journalists. There are also a number of national and international NGO's working actively on the subject. Stronger levels of cooperation between journalists and media organizations are still an objective to be attained, although progressive steps in that direction are being taken. This report highlights the most relevant efforts.

2. Introduction⁴

The research behind this report was produced using the United Nations Educational, Scientific, and Cultural Organization's (UNESCO's) Journalists' Safety Indicators (JSI's) guidelines. The JSI's, based on UNESCO's Media Development Indicators (MDI's), were developed within the context of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity ("UN Plan of Action"), endorsed by the United Nations Chief Executive Board in 2012, and the launching of an implementation strategy for 2013-2014. While the MDI's provide parameters for evaluating the general journalistic environment, the specific purpose of the JSI's is to pinpoint significant matters that show, or impact upon, the safety of journalists and the related problem of impunity on a regional, national and international level. This report, which covers incidents and observations pertaining to journalists' safety and the issue of impunity between January 1st, 2013 and December 15th 2013, is intended as a baseline study with the major objective of assisting the development of public policy in this area, encouraging further research, and improving future monitoring efforts. Subsequent applications of the JSI's - for example, on a yearly basis - can indicate any changes or differences in figures within each given measure.

In October 2012, in the context of its participation in the Human Rights Council's Universal Periodic Review (UPR) national report, the Guatemalan State announced that it was preparing a national plan for the protection of journalists from threats to their physical integrity.⁵ This announcement demonstrated willingness to address Guatemala's longstanding legacy of impunity on crimes against journalists during its 36-year Civil War,⁶ in which at least 200,000 people lost their lives between 1960 and 1985.⁷ The conflict polarized the press, who were frequently the targets of clandestine groups working in the interests of a militarized state to silence leftist political opposition.⁸ While journalists suffered imprisonment, torture, threats, media outlet closures, disappearances and executions,⁹ "nationwide state repression forced virtually an entire generation of intellectuals, including journalists, into exile" according to the Committee to Protect Journalists (CPJ).¹⁰ The Grupo de Apoyo Mutuo (GAM) reports that "at least 342 journalists were killed and 126

⁴ Acknowledgment for kind support of UNESCO office Guatemala, Dr. Julio Carranza, Leonel Armas, Sylvia Stambuck.

⁵ United Nations. Office of the UN High Commissioner for Human Rights (OHCHR). National report submitted in accordance with paragraph 5 of the annex to Human Rights Council Resolution 16/21. August 7, 2012.

⁶ IFEX-ALC, "Annual report on impunity 2012," 2012, p.16. Available at: <http://ifex.org/alc/es/impunidad2012/en/sobre.html>.

⁷ Guatemala," *Freedom House*, 2013. Available at: <http://www.freedomhouse.org/report/freedom-world/2013/guatemala>.

⁸ Marylene Smeets, "Attacks on the Press 1999: Speaking Out," *Committee to Protect Journalists*, 22 March 2000. Available at: <http://cpj.org/2000/03/title-70.php>.

⁹ Donald W. Reynolds Journalism Institute, "Guatemala Code: Code of Ethics of the Association of Journalists of Guatemala," *University of Missouri*, No Date. Available at: <http://www.rjionline.org/MAS-Codes-Guatemala-Declaration>.

¹⁰ Marylene Smeets, "Attacks on the Press 1999: Speaking Out," *Committee to Protect Journalists*, 22 March 2000. Available at: <http://cpj.org/2000/03/title-70.php>.

were missing during the civil war.”¹¹

Although Guatemala returned to constitutional rule in 1985 and a 1996 peace agreement officially ended the war,¹² ineffective justice sector institutions¹³ and remnant Civil War hostilities continue to complicate the efforts of stakeholders working to improve safety conditions for journalists: reports from national and international monitoring groups like Freedom House, the International Commission Against Impunity in Guatemala (CICIG), the United Nations Verification Mission in Guatemala (MINUGUA), and other human rights organizations confirm that clandestine security groups – sometimes called “death squads” – have continued to operate with impunity, allegedly carrying out lynching, mutilations, torture and other attacks and are believed to have infiltrated national police forces, further undermining Guatemala’s legitimate justice process.¹⁴

Furthermore, Guatemala has continued to struggle with high rates of violence and impunity in the years since the peace agreement: of the approximately 6,000 homicides registered each year nationally, only 2% ever go to trial.¹⁵ According to CPJ, as of December 2013, none of the 19 cases of journalists killed between 1992 and 2013 had been solved.¹⁶ The Centro de Reportes Informativos de Guatemala (CERIGUA), an NGO that reports on threats and attacks against journalists, has cited a steadily increasing number of attacks since 2010 and recorded 2013 as the most brutal year in recent history with 48 incidents, up from 19 in 2010.¹⁷ The 2013 spike in violence – namely the murder of 4 journalists - led the United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Frank La Rue, to conclude that “this year’s level of aggressions had not been seen in a decade.”¹⁸

¹¹ IFEX-ALC, “Annual report on impunity 2012,” 2012, p.16. Available at: <http://ifex.org/alc/es/impunidad2012/en/sobre.html>.

¹² Guatemala,” *Freedom House*, 2013. Available at: <http://www.freedomhouse.org/report/freedom-world/2013/guatemala>.

¹³ “Background,” The International Commission against Impunity in Guatemala, No Date. Available at: <http://www.cicig.org/index.php?page=background>.

¹⁴ Guatemala,” *Freedom House*, 2008. Available at: <http://www.freedomhouse.org/report/freedom-world/2008/guatemala>; “Background,” *The International Commission against Impunity in Guatemala*, No Date. Available at: <http://www.cicig.org/index.php?page=background>.

¹⁵ “Background,” The International Commission against Impunity in Guatemala, No Date. Available at: <http://www.cicig.org/index.php?page=background>.

¹⁶ “5 Journalists Killed in Guatemala since 1992/Motive Confirmed,” *Committee to Protect Journalists*, 2013. Available at: <http://www.cpj.org/killed/americas/guatemala/>.

¹⁷ IFEX-ALC, “Annual Report on Impunity: Guatemala,” September 2013. Available at: <http://ifex.org/alc/es/impunidad2013/2013/en/guatemala/index.html>; Inter-American Press Association, “Guatemala: 2013 – Asamblea General – Denver, Estados Unidos,” October 2013. Available at: <http://www.sipiapa.org/asamblea/guatemala-141/?i=1>.

¹⁸ Alejandro Martinez, “New period of violence against the press begins in Guatemala, UN rapporteur says,” *Knight Center for Journalism in the Americas*, 22 August 2013. Available at: <https://knightcenter.utexas.edu/blog/00-14323-new-period-violence-against-press-begins-guatemala-un-rapporteur-says>.

On the occasion of Human Rights Day 2013, analysis provided by the Association for the Study and Promotion of Security in Democracy (SEDEM) and UDEFEGUA revealed a 126% increase in attacks on human rights defenders in Guatemala when compared to 2012. Among the 690 attacks recorded were 18 assassinations of human rights defenders, representing an increase of 72% compared to the previous year, despite the fact that the country's overall murder rate has decreased.¹⁹

In 2007, the CICIG was created with a unique United Nations mandate to investigate illegal security groups and strengthen Guatemala's justice sector to reduce impunity.²⁰ Together with the 2010 appointment of Guatemala's first female Attorney General, Claudia Paz y Paz, the CICIG has been credited with significantly reducing impunity and raising standards of investigation in the country generally.²¹ Since 2006, the State has achieved unprecedented convictions in kidnapping, extortion, rape, and homicides, among other landmarks: with the 2013 genocide trial of Efraín Ríos Montt, Guatemala became the first country to try a former head of state for genocide in his own country.²² Although the Prosecution Unit for Crimes Against Journalists,²³ created in 2001, remained largely ineffective for a decade, after the 2011 appointment of Prosecutor Elmer Yat, 6 cases have received sentences in favor of journalists, while others have been settled out of court.²⁴

Complicating this landscape are other, more recent challenges to journalists' security and the fight against impunity. Violence in Guatemala over the past decade has risen in conjunction with the increased presence of drug cartels and organized crime groups, who not only exploit Guatemala for transit but also for cultivation, processing, trafficking, commercialization, and money laundering, especially in rural and border regions.²⁵ This rise in organized crime has created a hostile, and therefore challenging, environment for journalists to carry out their work.

¹⁹ Siglo 21, "Suben 126% las amenazas contra defensores DD. HH." 10 December 2013. Available at <http://m.s21.com.gt/nacionales/2013/12/10/suben-126-amenazas-contra-defensores-dd-hh-0>; "Informe Annual 2013," UDEFEGUA, No Date. Available at: http://udedefgua.org/wordpress/wp-content/uploads/2014/11/informe_anual_2013.pdf

²⁰ "About CICIG," *The International Commission against Impunity in Guatemala*, No Date. Available at: <http://www.cicig.org/index.php?page=about>.

²¹ Louisa Reynolds, "The Woman who Reduced Impunity in Guatemala," *Inter Press Service*, 5 November 2013. Available at: <http://www.ipsnews.net/2013/11/the-woman-who-reduced-impunity-in-guatemala/>.

²² Ibid.

²³ *Unidad Fiscal de Delitos contra Periodistas de la Fiscalía de Sección de Derechos Humanos*

²⁴ Interview with Elmer Yat, former Special Prosecutor for Crimes Against Journalists (*Unidad Fiscal de Delitos contra Periodistas*), Guatemala City, 26 November 2013.

Evelyn Blanck, "El fiscal que comenzó a lograr sentencias," *Sala de Redacción*, October 2012., Available at: <http://saladeredaccion.com/revista/2013/10/el-fiscal-que-comenzo-a-lograr-sentencias/>.

²⁵ "Attacks on the Press in 2011: Guatemala," *Committee to Protect Journalists*, 2011. Available at: <http://www.cpj.org/2012/02/attacks-on-the-press-in-2011-guatemala.php>; CERIGUA, "Necesario implementar un Programa de Protección a Periodistas," May 2013, p. 5. Available at: <http://www.youblisher.com/p/620535-Necesario-implementar-un-Programa-de-Proteccion-a-Periodistas/>.

In her 2011 annual report, the Organization of American States' (OAS') Special Rapporteur for Freedom of Expression conveyed her concerns about the threats received by media outlets from alleged drug trafficking gangs in Guatemala.²⁶ According to a 2012 report, "efforts to improve security have only lead to greater militarization, abuse within the police force and an erosion of the law."²⁷ Multiple sources state that in recent years, an especially large number of crimes against journalists and other human rights defenders have been attributed to government officials and to national police forces.²⁸ Organized crime, corruption of government officials and police forces, and other issues of domestic security have been cited amongst the most dangerous topics for journalists to cover, leading journalists to heavily self-censor on these subjects.²⁹ Furthermore, OAS Special Rapporteur Catalina Botero noted with concern the appeal from Guatemalan freedom of expression organizations regarding the possible increase in the phenomenon of self-censorship among journalists. As evidence of this situation, these organizations cite the fact that in departments where drug trafficking groups are known to operate, information about the problem is scarce.³⁰

Also of concern for journalists' safety is evidence of a growing phenomenon of polarization and fragmentation among journalists in the profession that threatens journalists' solidarity. Recently, the Attorney General and CICIG's focus on impunity seems to have re-awakened political sentiments that polarized journalists during the Civil War. According to multiple sources interviewed, the political polarization in Guatemalan media is most readily visible among media outlets. UN Special Rapporteur Frank La Rue states that, while the political landscape among journalists is relatively free, the problem lies in that although "the reporters all think the same

²⁶ Inter-American Commission on Human Rights, Special Rapporteur for Freedom of Expression, Annual Report December 2011, Volume II, p.109 (280) Catalina Botero Special Rapporteur for Freedom of Expression, Organization of American States (OAS) .

²⁷ Anne-Claire Bevan, "Reading between the lines: Journalism in Guatemala," *International News Safety Institute*, 27 July 2012. Available at: <http://newssafetyblog.org/2012/07/27/reading-between-the-lines-journalism-in-guatemala/#more-347>.

²⁸ "Attacks on the Press in 2011: Guatemala," *Committee to Protect Journalists*, 2011. Available at: <http://www.cpj.org/2012/02/attacks-on-the-press-in-2011-guatemala.php>; CERIGUA, "Resumen Ejecutivo, Estado de Situación de la Libertad de Expresión en Guatemala durante el 2013," 29 November 2013. Available at: http://issuu.com/cerigua/docs/estado_de_situacion_de_la_libertad.

²⁹ Attacks on the Press in 2011: Guatemala," *Committee to Protect Journalists*, 2011. Available at: <http://www.cpj.org/2012/02/attacks-on-the-press-in-2011-guatemala.php>; Anna-Claire Bevan, "Reading between the lines: Reporting under threat in Guatemala," *Tico Times*, 3 December 2013. Available at: <http://www.ticotimes.net/More-news/News-Briefs/Reading-between-the-lines-Reporting-under-threat-in-Guatemala-Tuesday-December-03-2013>.

³⁰ Inter-American Commission on Human Rights, Special Rapporteur for Freedom of Expression, Annual Report December 2011, Volume II, p.109 (280) Catalina Botero Special Rapporteur for Freedom of Expression, Organization of American States (OAS).

inside their respective outlets they should, as professional journalists, be objective... it's the outlet that chooses the editorial line."³¹

Although professional networks and associations of journalists have existed in Guatemala as early as 1947,³² they have not succeeded in unifying journalists across media types or in bridging the urban/rural divide that features prominently in the media landscape.³³ Finally, some actors have raised concerns about corruption within the media community and its impact on Guatemala's general environment of impunity.³⁴

Still, political will and stakeholder advocacy for greater protections have been growing. Both 2012 and 2013 were marked by important steps toward creating a national, preventative early warning system for journalists,³⁵ fostering solidarity among journalists and journalists' associations,³⁶ understanding the particular challenges that rural journalists face in accessing safety information and protection mechanisms,³⁷ and creating multi-stakeholder dialogue on journalists' security issues, among others.³⁸ On November 28th 2013, Guatemalan President Otto Pérez Molina officially

³¹ Interview with Frank La Rue, United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Skype, 2 December 2013.

³² "Asociación de Periodistas de Guatemala." No Date. Available at: <http://www.freewebs.com/apg/>.

³³ Transcript from five focus groups held during Regional Journalists' Meetings (Encuentros Regionales de Periodistas), Centro Civitas, 2012.; Forum, "*Freedom of Expression and a Culture of Peace: Press Media and the prevention of lynching in Guatemala, (Libertad de Expresión y cultura de paz: Medios de Prensa y prevención de linchamientos en Guatemala)*," organized by UNESCO, Guatemala City, 26 November 2013.

³⁴ Evelyn Blanck and Ligia Flores, "Prensa en Guatemala: Limpia o Corrupta?" *Sala de Redacción*, November 2013. Available at: <http://saladeredaccion.com/revista/2013/11/prensa-en-guatemala-¿limpia-o-corrupta/>; "Periodismo, 'fafa' y autofiscalización," *Sala de Redacción*, November 2013. Available at:

<http://saladeredaccion.com/revista/2013/11/periodismo-¿fafa¿-y-autofiscalizacion/>; Stephen A. J. Ward, "Even in Troubled Guatemalan Media, Journalism Ethic Matters," *Media Shift*, 8 October 2012. Available at:

<http://www.pbs.org/mediashift/2012/10/even-in-troubled-guatemalan-media-journalism-ethics-matters282/>; Dina Fernandez, "También en la prensa," *elPeriódico*, 21 June 2010. Available at:

<http://www.elperiodico.com.gt/es/20100621/opinion/159119>; Forum, "*Freedom of Expression and a Culture of Peace: Press Media and the prevention of lynching in Guatemala, (Libertad de Expresión y cultura de paz: Medios de Prensa y prevención de linchamientos en Guatemala)*," organized by UNESCO, Guatemala City, 26 November 2013.

³⁵ Eder Juárez, "Piden acciones para proteger a periodistas," *La Hora*, 29 November 2013. Available at: <http://www.lahora.com.gt/index.php/nacional/guatemala/actualidad/187496-piden-acciones-para-proteger-a-periodistas>.

³⁶ Ileana Alamilla, "Las periodistas necesitamos agruparnos para defender nuestros derechos profesionales," *Albedrío.org*, 4 May 2005. Available at: <http://www.albedrio.org/htm/articulos/i/ia-003.htm>; Ligia Flores and others, "Incremento de agresiones y limitada acción del Estado," *Sala de Redacción*, September 2013. Available at:

<http://saladeredaccion.com/revista/2013/09/incremento-de-agresiones-y-limitada-accion-del-estado/>. CERIGUA, "Anuncian conformación de Federación de Asociaciones Departamentales de Periodistas," *CERIGUA*, 28 May 2013.

Available at: http://cerigua.org/1520/index.php?option=com_content&view=article&id=13612%3Aanuncian-conformacion-de-federacion-de-asociaciones-departamentales-de-periodistas&Itemid=8.

³⁷ Interview with Evelyn Blanck, Coordinator of *Centro Civitas* and journalist for *Sala de Redacción*, Skype, 12 November 2013; Transcript from five focus groups held during Regional Journalists' Meetings (*Encuentros Regionales de Periodistas*), *Centro Civitas*, 2012.

³⁸ Erasmo González, "CERIGUA promueve unidad gremial y acceso a la justicia," *CERIGUA*, 22 October 2013. Available at:

announced the details of a proposed Journalists' Protection Plan (*Plan de Protección para Periodistas*), a national coordination mechanism for the protection of journalists that embodies the government's commitments to uphold freedom of expression and freedom of the press in Guatemala. According to Presidential Press Secretary, Francisco Cuevas, the Journalists' Protection Plan will be completed in the following three phases, to be rolled out in a maximum of 60 days: First, the ratification of an agreement by the agencies involved; second, comprehensive information gathering and the establishment of a technical department that will be responsible for analyzing accusations; and lastly, the provision of journalist's safety training sessions targeted toward the most vulnerable members of the profession, such as registered victims of violence or recipients of work-related threats.³⁹ In ratifying the Journalists' Protection Plan, Guatemala became the third country in Latin America - after Colombia and Mexico - to create a national system for the protection of journalists.⁴⁰

Methodology

Research on this report was carried out over a period of 6 weeks from the end of October to mid-December, 2013. Desk research and telephone interviews were supplemented by three days' travel to Guatemala over the week of November 24-30th, 2013. Face-to-face interviews were conducted with stakeholders from state, UN system, NGO, academic, media actors and journalists. In total, 15 separate interviews were carried out either in-person or over the phone. For the purposes of this study, the definition of "journalists" included a broad category of social communicators.

http://cerigua.org/1520/index.php?option=com_content&view=article&id=16021:cerigua-promueve-unidad-gremial-y-acceso-a-la-justicia&catid=48:libertad-de-expresion&Itemid=10.

³⁹ "Guatemala se suma a implementación de plan de protección de periodistas", Secretary's Office for Social Communication, Guatemala. Available at: <http://www.guatemala.gob.gt/index.php/2011-08-04-18-06-26/item/6406-guatemala-se-suma-a-implementaci%C3%B3n-de-plan-de-protecci%C3%B3n-de-periodistas>.

⁴⁰ Available at: http://noticias.lainformacion.com/politica/libertad-de-prensa/guatemala-tercer-pais-de-a-latina-con-un-sistema-de-proteccion-a-periodistas_CebeIoNyt0XXofwT5xM7A7/.

3. Legal, normative, policy and institutional obligations of the State

Article 46 of Guatemala's Constitution declares the primacy of international law, stating "*human rights treaties and conventions accepted and ratified by Guatemala prevail over domestic law.*"⁴¹ Article 149 mandates the State to regulate its relations with others in accordance with the principles, rules and practices of human rights law in order to contribute to the maintenance of peace and freedom and to the strengthening of democratic processes and institutions.⁴²

Guatemala is a signatory to the *Universal Declaration of Human Rights*⁴³ and ratified the *International Covenant on Civil and Political Rights* in 1992.⁴⁴ The State also joined in the adoption of Resolution 26 at UNESCO's General Conference on "Condemnation of violence against journalists" in 1997.⁴⁵ Guatemala recently signed the Human Rights Council resolution of September 21st, 2012 on the Safety of Journalists (see A/HRC/21/L.6). The issue of safety of journalists in the country falls within the mandate of the Universal Periodic Review (UPR),⁴⁶ the United Nations Office of the High Commissioner for Human Rights (OHCHR),⁴⁷ the UN Special Rapporteur on the Promotion and Protection of Freedom of Opinion and Expression,⁴⁸ the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions,⁴⁹ and the UN Special Rapporteur on the Situation of Human Rights Defenders.⁵⁰

Regarding regional human rights mechanisms, Guatemala has been a State Party to the *American Convention on Human Rights* since May 25th, 1978, which makes it part of the system of individual petitions of the Inter-American Commission on Human Rights (IACHR).⁵¹ Moreover, in March 1987, the country accepted the jurisdiction of the Inter-American Court of Human Rights (Inter-American

⁴¹ Guatemala, National Constitution, Reformed by Acuerdo legislativo No. 18-93 of 17 November 1993.

⁴² Guatemala, National Constitution, Reformed by Acuerdo legislativo No. 18-93 of 17 November 1993.

⁴³ Guatemala. Ministerio de Relaciones Exteriores, "Consulta de tratados internacionales vigentes". 16 December 2013. Available at:

http://www.minex.gob.gt/pBase.aspx?ID=/MAYT/MAYT_TRATADO_ACUERDO/MAYT_TRATADO_ACUERDO_VIGENTEWebReport.aspx.

⁴⁴ Guatemala. Ministerio de Relaciones Exteriores, "Consulta de tratados internacionales vigentes". 16 December 2013. Available at:

http://www.minex.gob.gt/pBase.aspx?ID=/MAYT/MAYT_TRATADO_ACUERDO/MAYT_TRATADO_ACUERDO_VIGENTEWebReport.aspx.

⁴⁵ Report of the UNESCO's General Conference on Condemnation of violence against journalists, Paris, 12 November 1997. Available at:

http://www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Brussels/pdf/ipdc_resolution_29.pdf.

⁴⁶ Available at: <http://www.ohchr.org/EN/HRbodies/UPR/Pages/UPRMain.aspx>.

⁴⁷ Available at: <http://www.ohchr.org/SP/AboutUs/Pages/Mandate.aspx>.

⁴⁸ Available at: <http://www.ohchr.org/EN/ISSUES/FREEDOMOPINION/Pages/OpinionIndex.aspx>.

⁴⁹ Available at: <http://www2.ohchr.org/english/issues/executions/>.

⁵⁰ Available at: <http://www.ohchr.org/en/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx>.

⁵¹ American Convention on Human Rights. Article 44. Available at:

http://www.oas.org/dil/esp/tratados_B-32_Convencion_Americana_sobre_Derechos_Humanos.htm.

Court),⁵² whose office of the OAS Special Rapporteur for Freedom of Expression oversees issues related to the protection of journalists. In urgent and grave cases where measures are necessary to avoid irreparable damage to journalists, the IACHR or the Inter-American Court can adopt precautionary⁵³ or provisional measures of protection,⁵⁴ which Guatemala has an obligation to implement.

Guatemala also has international obligations regarding the safety, physical and psychological integrity of journalists such as those stemming from the *Inter-American Convention to Prevent and Punish Torture*, ratified in December 1986,⁵⁵ and the *Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women*, adopted by Decree 69-94 of 1994.⁵⁶ Regarding Guatemala's obligations to protect those who collectively organize around journalism or the defense of human rights, it is important to note that the State has approved, since 1952, the *Freedom of Association and Protection of the Right to Organise Convention* and the *Right to Organise and Collective Bargaining Convention*.⁵⁷ The State also took important steps in recognizing the rights of workers, including journalists, at an international level, approving the *Discrimination (Employment and Occupation) Convention* in 1960 and the *Employment Policy Convention* in 1988.⁵⁸

Freedom of expression includes the right to seek, receive and impart information and ideas by any form of communication. In that sense, "journalism is the primary and principal manifestation of freedom of expression of thought."⁵⁹ The right entails a double dimension: the individual and the

⁵² Guatemala. Ministerio de Relaciones Exteriores, "Consulta de tratados internacionales vigentes". 16 December 2013. Available at: http://www.minex.gob.gt/pBase.aspx?ID=/MAYT/MAYT_TRATADO_ACUERDO/MAYT_TRATADO_ACUERDO_VIGENTEWebReport.aspx.

⁵³ OAS. Rules of Procedure of the Inter-American Convention on Human Rights. Article 25.

⁵⁴ OAS. American Convention of Human Rights. Article 63.2.

⁵⁵ Guatemala. Ministerio de Relaciones Exteriores, "Consulta de tratados internacionales vigentes". 16 December 2013. Available at: http://www.minex.gob.gt/pBase.aspx?ID=/MAYT/MAYT_TRATADO_ACUERDO/MAYT_TRATADO_ACUERDO_VIGENTEWebReport.aspx.

⁵⁶ Guatemala. Ministerio de Relaciones Exteriores, "Consulta de tratados internacionales vigentes". 16 December 2013. Available at: http://www.minex.gob.gt/pBase.aspx?ID=/MAYT/MAYT_TRATADO_ACUERDO/MAYT_TRATADO_ACUERDO_VIGENTEWebReport.aspx.

⁵⁷ Guatemala. Ministerio de Relaciones Exteriores, "Consulta de tratados internacionales vigentes". 16 December 2013. Available at: http://www.minex.gob.gt/pBase.aspx?ID=/MAYT/MAYT_TRATADO_ACUERDO/MAYT_TRATADO_ACUERDO_VIGENTEWebReport.aspx.

⁵⁸ Guatemala. Ministerio de Relaciones Exteriores, "Consulta de tratados internacionales vigentes". 16 December 2013. Available at: http://www.minex.gob.gt/pBase.aspx?ID=/MAYT/MAYT_TRATADO_ACUERDO/MAYT_TRATADO_ACUERDO_VIGENTEWebReport.aspx.

⁵⁹ Inter-American Court of Human Rights. Advisory Opinion No. 5 Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism. OC-5/85, Opinion of 13 November 1985. Paragraph 71.

social.⁶⁰ Accordingly, the obligation of the State is twofold: i) to protect the safety of individuals who “engage in activities that define or embrace the freedom of expression which the convention guarantees,”⁶¹ and ii) to guarantee the social sphere of this individual right. In the case of Guatemala, its constitution states that “the activity of the means of communication belongs to public interest and in no case should they be expropriated.”⁶²

The *Inter-American Declaration of Principles on Freedom of Expression* establishes that “murder, kidnapping, intimidation of and/or threats to social communicators, as well as the material destruction of communications media violate the fundamental rights of individuals and strongly restrict freedom of expression. It is the duty of the state to prevent and investigate such occurrences, to punish their perpetrators and to ensure that victims receive due compensation.”⁶³ The IACHR has further reiterated that the murder or harassment of journalists can create a silencing effect, which can only cease by a State’s effective and timely action.⁶⁴ Correspondingly, UNESCO⁶⁵ and the United Nations General Assembly⁶⁶ have stressed the fact that journalists shall enjoy free and safe work environments, and that measures must be taken to fight impunity.

As defined by the IACHR, a human rights defender is “every person who in any way promotes or seeks the realization of human rights and fundamental freedoms, nationally or internationally.”⁶⁷ In that sense, journalists fall within the scope of Article 1 of the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* (Declaration on Defenders).⁶⁸ Correspondingly, Guatemala has been called upon to⁶⁹ i) adopt the Declaration on Defenders in its national laws; ii) to ensure protection against any violence, threats, retaliation, adverse discrimination, pressure or any other arbitrary action as a consequence of the legitimate exercise of journalism; and iii) conduct investigations and provide effective remedies to those claiming to have been victims of human rights violations.

⁶⁰ A/HRC/11/4/Add.2

⁶¹ Inter-American Court of Human Rights. Advisory Opinion No. 5 Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism. OC-5/85, Opinion of 13 November 1985. Paragraph 72.

⁶² Guatemala, National Constitution, Reformed by Acuerdo legislativo No. 18-93 of 17 November 1993.

⁶³ Inter-American Declaration of Principles on Freedom of Expression. Approved by the Inter-American Commission on Human Rights during its 108 regular session. Principle 9.

⁶⁴ IACHR. Report No. 50/99, Case 11.739, Admissibility and Merits, Hector Felix Miranda, Mexico, April 13 1999.

⁶⁵ See, official records of the UNESCO conference on Press Freedom, Safety of Journalists and Impunity, 3-4 May 2007, Medellin, Colombia.

⁶⁶ A/HRC/21/L.6

⁶⁷ IACHR. Second Report on the Situation of Human Rights Defenders in the Americas. OEA/Ser.L/V/II.Doc. 66. 31 December 2011. Parag. 12

⁶⁸ A/RES/53/144

⁶⁹ Office of the United Nations High Commissioner for Human Rights, Informative Sheet No. 29:

Human Rights Defenders: Protecting the Right to Defend Human Rights. Geneva 2004. Available at: <http://www.ohchr.org/Documents/Publications/FactSheet29en.pdf>, p. 30.

As described in the introduction, on November, 28th, 2013, President Pérez Molina officially announced the Guatemalan State's commitment to implement a national program to protect journalists.⁷⁰ While the announcement of the program has been welcomed,⁷¹ issues have been raised concerning the lack of prior consultation with relevant non-State actors, although proposals were presented each by CERIGUA and Centro Civitas, a freedom of expression advocacy group created in 2007. State interviewees acknowledged these proposals, stating their intention to find a compromise between the two proposals.⁷² In a December 24th, 2013 communication, the State provided updated information on the measures taken to create a program for the protection of journalists, reporting that President Pérez Molina, together with Vice President Ingrid Baldetti Elias, presented the Journalists' Protection Plan. The State also reported that the Plan would take account of "the recommendations of the United Nations Organization for Education, Science and Culture (UNESCO)."⁷³

There are also a number of national regulations dealing in one way or another with the protection of journalists and their rights. Agreement 14-2001 of the Office of the Public Prosecutor (June 4th, 2001) created the Special Prosecution Unit for Crimes against Journalists (*Unidad Especial de Delitos contra Periodistas*), within the Human Rights Section (*Fiscalía de Sección de Derechos Humanos*) of the Office of the Public Prosecutor (*Ministerio Público*).⁷⁴ In addition, the owners of media organizations are obliged by constitutional mandate to provide life insurance coverage to their reporters.⁷⁵

Guatemala's constitution extensively regulates freedom of expression. Article 35 deals with freedom of dissemination of thought, stating that expression disseminated by any means is presumed to be free and must be conducted without prior censorship or license.⁷⁶ Restrictions to this right pertain to the violation of private life and morals and can be subject to clarification or

⁷⁰ Guatemala. Ministerio de Gobernación (28 November 2013). Guatemala se suma a implementación de plan de protección de periodistas. Available at: <http://www.guatemala.gob.gt/index.php/2011-08-04-18-06-26/item/6406-guatemala-se-suma-a-implementación-de-plan-de-protección-de-periodistas>.

⁷¹ UNESCO (29 November 2013). Guatemala launches a proposed mechanism for the protection of journalists. Available at: http://www.unesco.org/new/en/media-services/single-view/news/guatemala_launches_a_proposed_mechanism_for_the_protection_of_journalists/#.UqIghBYRB75.

⁷² Interview with representatives from the Ministry of the Interior (*Ministro de Gobernación*), Guatemala City, 26 December 2013.

⁷³ Inter-American Commission on Human Rights, Special Rapporteur for Freedom of Expression, Annual Report December 2013, Volume III, p.199 (444) Catalina Botero Special Rapporteur for Freedom of Expression, Organization of American States (OAS)

⁷⁴ Agreement 14-2001 of the Public Ministry (4 June 2001). Agreement 03-2005 (30 November 2005). Agreement 37-2010 (6 September 2010).

⁷⁵ Guatemala, National Constitution, Reformed by Acuerdo legislativo No. 18-93 of 17 November 1993.

⁷⁶ Guatemala, National Constitution, Reformed by Acuerdo legislativo No. 18-93 of 17 November 1993.

rectification. However, the Constitution protects complaints or criticism against public officials or employees for acts undertaken in the performance of their duties.⁷⁷

The principal State institutions that have the obligation to guarantee the exercise of freedom of expression and the safety of journalists in Guatemala are:⁷⁸

The Office of the Public Prosecutor, specifically the Special Prosecution Unit for Crimes against Journalists within the Human Rights Section (*Unidad Especial de Delitos contra Periodistas de la Fiscalía de Sección de Derechos Humanos*), and the judicial power, which includes the courts. These institutions are responsible for the investigation, trial and sentencing of authors of crimes against journalists.

The Presidential Human Rights Commission (*Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos*, or COPREDEH) implements the precautionary measures (*medidas cautelares*) or the provisional measures (*medidas precautorias*) ordered by the IACHR, the Inter-American Court, the Rapporteurs of the Universal System, or national mechanisms. It does so through the Coordinating Unit for the Protection of Human Rights Defenders, Administrators and Operators of Justice, Journalists and Social Communicators (*Unidad coordinadora de protección para defensores de derechos humanos, administradores y operadores de justicia, periodistas y comunicadores sociales*, “Coordinating Unit”), which has the status of Directorate.

Complaints can also be addressed to the Human Rights Ombudsman (*Procurador de Derechos Humanos*, or PDH) and the National Police (*Policía Nacional Civil*, or PNC).

The Ministry of the Interior (*Ministerio de Gobernación*, or MINGOB) launched its own initiative on January 10th, 2012, with the purpose to reduce bureaucratic obstacles for journalists when submitting complaints.⁷⁹ Established through Ministerial Agreement 09-2012, the Analysis Authority of Attacks Against Human Rights Defenders (“Analysis Authority,” or *Instancia de Análisis de Ataques contra Defensores de Derechos Humanos*) is coordinated by a representative of the MINGOB and includes members of COPREDEH, the Human Rights Section of the Office of the Prosecutor, OHCHR, and members of civil society.⁸⁰ The Analysis Authority also receives complaints made by journalists through specific telephone numbers and has investigators working on this

⁷⁷ Guatemala, National Constitution, Reformed by Acuerdo legislativo No. 18-93 of 17 November 1993.

⁷⁸ Available at: <http://www.copredek.gob.gt/media/File/2012/epu/EPU%20oficial.pdf>.

⁷⁹ Interview with representatives from the Ministry of the Interior (*Ministro de Gobernación*), Guatemala City, 26 December 2013.

⁸⁰ IFEX-ALC, “Annual Report on Impunity: Guatemala,” September 2013. Available at: <http://ifex.org/alc/es/impunidad2013/2013/en/guatemala/index.html>.

subject.⁸¹

⁸¹Guatemala. Ministerio de Gobernación. Available at:
http://www.mingob.gob.gt/index.php?option=com_k2&view=item&id=4628:periodistas-pueden-denunciar-amenazas-en-su-contr&Itemid=372.

4. Overview of the situation of journalists' safety in the country

1. Safety and impunity statistics

In August 2013, UN Special Rapporteur Frank La Rue expressed concern that aggressions toward journalists in Guatemala had reached levels unprecedented in the past decade.⁸² Reports from state,⁸³ civil society,⁸⁴ and international stakeholders⁸⁵ agree that violence has increased against journalists and human rights defenders generally, citing a shifting climate since the Rios Montt trial, a more outspoken press, and increased insecurity in rural areas and border regions - especially where reporting interferes with the activities of organized criminal networks and extractive industries. However, some state authorities and journalists disagree, arguing that conclusive evidence is lacking: according to Minister of the Interior Mauricio López Bonilla, the increase in death threats and intimidation is symptomatic of a larger trend of violence pervading the country and is not, in fact, directed specifically against journalists because of their work.⁸⁶ In her December 2013 report, the OAS Special Rapporteur for Freedom of Expression did not include Guatemala among those "several [countries] that reported an increase in the number of murders of journalists related to the exercise of their profession" in recent years;⁸⁷ nor did she otherwise confirm a relative increase in threats or violence against journalists in the country.

As of December 6th, 2013, the Special Prosecution Unit for Crimes against Journalists had received a total of 56⁸⁸ complaints and reports of violence, aggression, or other crimes against journalists, compared with 62 the previous year. Of these complaints, the most common – more than 50% –

⁸² Alejandro Martinez, "New period of violence against the press begins in Guatemala, UN rapporteur says," *Knight Center for Journalism in the Americas*, 22 August 2013. Available at:

<https://knightcenter.utexas.edu/blog/00-14323-new-period-violence-against-press-begins-guatemala-un-rapporteur-says>.

⁸³ Interview with Jorge de Leon Duque, Human Rights Ombudsman (Procurador de Derechos Humanos), Guatemala City, 25 November 2013.

⁸⁴ Interview with Luisa Pineda and Brenda Hernández of the Unit for the Protection of Human Rights Defenders (*Unidad de Protección a Defensoras y Defensores de Derechos Humanos*, or UDEFEGUA), Guatemala City, 25 November 2013; Interview with Evelyn Blanck, Coordinator of *Centro Civitas* and journalist for *Sala de Redacción*, Skype, 12 November 2013.

⁸⁵ IFEX-ALC, "Annual Report on Impunity: Guatemala," September 2013. Available at:

<http://ifex.org/alc/es/impunidad2013/2013/en/guatemala/index.html>; Inter-American Press Association, "Guatemala: 2013 – Asamblea General – Denver, Estados Unidos," October 2013. Available at:

<http://www.sipiapa.org/asamblea/guatemala-141/?i=1>.

⁸⁶ Elías Barahona, "Periodistas de provincial denuncian amenazas," *América Latina en Movimiento*, 27 August 2013. Available at: <http://alainet.org/active/66738&lang=es>.

⁸⁷ Inter-American Commission on Human Rights, Special Rapporteur for Freedom of Expression, Annual Report December 2013, Volume II, p.361 (14) Catalina Botero Special Rapporteur for Freedom of Expression, Organization of American States (OAS). Available at:

http://www.oas.org/en/iachr/expression/docs/reports/2014_04_22_%20IA_2013_ENG%20_FINALweb.pdf

⁸⁸ Interview with the office of the Special Prosecutor for Crimes Against Journalists, Phone, 6 December 2013.

were classified as “threats” or “coercion,” followed by theft, robbery, minor injuries, as well as four murders and one attempted murder. According to former Special Prosecutor Elmer Yat, these numbers do not, however, reflect additional cases that may have been reported to and investigated by other state authorities, including the National Police, the Human Rights Ombudsman, or within other units of the Office of the Public Prosecutor.⁸⁹ As of September 2013, the Human Rights Ombudsman registered 8 additional complaints, estimating roughly that across the country, there may be as many as seventy or one hundred⁹⁰ more complaints in 2013 than in the previous year.

Of the approximately 53 complaints received by the Unit between January and November of 2013 (compared with 62 during 2012), more than half concerned threats or coercion, followed by reports of theft, injuries and, most seriously, 4 murders.⁹¹ Research categorizing the 3 additional complaints was unavailable.

While many stakeholders report that the climate of insecurity for journalists deteriorated in 2013 compared to previous years, not all data concur. This discrepancy is due in part to the diversity of state actors who receive and/or respond to journalists’ complaints and a lack of coordination between them:⁹² while CERIGUA reported an increase from 36 to more than 50 cases of freedom of expression violations and attacks on journalists from 2012 to 2013, the Special Prosecutor for Crimes Against Journalists reported a decrease in registered cases from 62 to 53 in those same respective years.⁹³ The former Special Prosecutor did, however, note that journalists underreport security incidents, especially in rural areas.⁹⁴

⁸⁹ Former Special Prosecutor for Crimes Against Journalists Elmer Yat, personal email communication of report submitted to the Organization of American States shared on 2 December 2013.

⁹⁰ Ligia Flores and others, “Incremento de Agresiones y limitada acción del Estado,” *Sala de Redacción*, September 2013. Available at: <http://saladeredaccion.com/revista/2013/09/incremento-de-agresiones-y-limitada-accion-del-estado/>; Interview with Jorge de Leon Duque, Human Rights Ombudsman (Procurador de Derechos Humanos), Guatemala City, 25 November 2013.

⁹¹ “El fiscal que comenza lograr sentencias“, *Sala de redacción*, 17 October 2013. Available at: <http://saladeredaccion.com/revista/2013/10/el-fiscal-que-comenzo-a-lograr-sentencias/>. Personal email communication received from Elmer Yat on 12 December 2013.

⁹² Interview with Hugo Martínez and María de los Ángeles Zambrano, representatives of the Presidential Human Rights Commission (*Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos*, or COPREDEH), Guatemala City, 25 November 2013.

⁹³ Former Special Prosecutor for Crimes Against Journalists Elmer Yat, personal email communication of report submitted to the Organization of American States shared on 2 December 2013.

⁹⁴ Evelyn Blanck, “El fiscal que comenzó a lograr sentencias,” *Sala de Redacción*, October 2013. Available at: <http://saladeredaccion.com/revista/2013/10/el-fiscal-que-comenzo-a-lograr-sentencias/>.

In 2013, the Special Prosecutor for Crimes Against Journalists achieved two convictions in cases, while others have been settled out of court or through mediation.⁹⁵ According to former Special Prosecutor Elmer Yat, “over the past year and a half, 6 cases have received sentences in favor of journalists,” a number which has improved significantly from the period of time between 2003-2011, when the Special Prosecutor’s unit achieved no sentences at all.⁹⁶

Still, concerns over impunity are high, especially pertaining to serious crimes against journalists. Since 2000, conservative estimates indicate that at least 19 journalists have been killed in possible connection to their profession; all cases remain unsolved.⁹⁷ The lack of conclusive investigation into crimes against journalists is indicative of a chronic, systematic impunity across Guatemala, which has a 98% crime impunity rate nationwide.⁹⁸ Inadequate treatment of forensic evidence, along with limited training and resources, also play a role in the failure to carry out thorough and conclusive investigations.⁹⁹

For example, during the Second National Encounter of Journalists organized by Centro Civitas in July 2013, 57% of journalists surveyed reported having suffered some kind of aggression during their work, a fact which indicates that not all incidents are reported to the responsible entities, including the Special Prosecutor for Crimes Against Journalists or the Human Rights Ombudsman.¹⁰⁰ In some cases, especially in smaller communities, following up on complaints can put journalists at further risk, especially when they live in close proximity to their assailants. This can also make it difficult for investigators to talk to witnesses.¹⁰¹ Transportation can also be a barrier to journalists in rural areas, who must travel to Guatemala City to present their case. Finally, a relatively small number of cases make it to court.

⁹⁵ Interview with Elmer Yat, former Special Prosecutor for Crimes Against Journalists (*Unidad Fiscal de Delitos contra Periodistas*), Guatemala City, 26 November 2013.

⁹⁶ Interview with Elmer Yat, former Special Prosecutor for Crimes Against Journalists (*Unidad Fiscal de Delitos contra Periodistas*), Guatemala City, 26 November 2013.

⁹⁷ Committee to Protect Journalists, “5 Journalists Killed in Guatemala since 1992/Motive Confirmed.” Available at: <http://www.cpj.org/killed/americas/guatemala/>.

⁹⁸ Organization of American States, “IACHR Hails Progress Against Impunity in Guatemala and Expresses Concern About the Human Rights Situation of Indigenous Peoples and Women,” 27 March 2012. Available at: http://www.oas.org/en/iachr/media_center/PReleases/2012/033.asp.

⁹⁹ Interview with Carlos Martin Lauria and Sara Rafsky, Committee to Protect Journalists (CPJ), Skype, 19 November 2013.

¹⁰⁰ Ligia Flores and others, “Incremento de Agresiones y limitada acción del Estado,” *Sala de Redacción*, September 2013. Available at: <http://saladeredaccion.com/revista/2013/09/incremento-de-agresiones-y-limitada-accion-del-estado/>.

¹⁰¹ CERIGUA, “Amenazas y coacciones resaltan entre agresiones contra la prensa,” 31 October 2013. Available at: http://cerigua.org/1520/index.php?option=com_content&view=article&id=16196:amenazas-y-coacciones-resaltan-entre-agresiones-contra-la-prensa&catid=48:libertad-de-expresion&Itemid=10.

In 2011, more than half of violations against journalists were attributed to government officials, law enforcement agents, or politicians.¹⁰² Indeed, state and civil society organizations alike reported that a significant portion of repression against journalists in 2013 was committed by government authorities, including police, municipal and mayoral offices. CERIGUA attributed one-fifth of documented cases this year – or 11 out of 54 – to federal, municipal, or departmental government authorities, characterizing these cases as mostly threats or physical aggressions; in addition, CERIGUA cited involvement of public security forces in 9 additional cases.¹⁰³ In interviews, both former Special Prosecutor Elmer Yat and Human Rights Ombudsman Jorge de Leon Duque attributed law enforcement authorities' involvement in repression toward journalists over the past year to inadequate training on journalists' rights and insufficient professional preparedness.¹⁰⁴ The former emphasized the authorities' lack of understanding of the nature of journalistic work and the pressing need to build capacities and knowledge about journalists' rights at individual and institutional levels as well as among journalists themselves.¹⁰⁵

The OAS Special Rapporteur has also recommended that states adopt adequate preventive mechanisms in order to avert violence against media workers; train public officials, particularly police and security forces; and, if necessary, adopt operation manuals or guidelines that foster respect for the right of freedom of expression.¹⁰⁶

i. Number and types of threats against the lives and limbs of journalists.

Due to variations in recordkeeping and evaluation methods employed across state and civil society monitoring organizations, the number and types of “threats against the lives and limbs of journalists” is unclear. In most cases, “threats against the lives and limbs of journalists” are not categorized as distinct from other types of threats. In 2013, the Unit for the Protection of Human Rights Defenders (*Unidad de Protección a Defensoras y Defensores de Derechos Humanos*, or UDEFEGUA) reported 8 cases of threats against journalists (4 in-person and 4 email, written, or

¹⁰² Committee to Protect Journalists, “Attacks on the Press in 2011,” 2011, p.125. Available at: http://www.cpj.org/attacks_on_the_press_2011.pdf.

¹⁰³ CERIGUA, “Resumen Ejecutivo, Estado de Situación de la Libertad de Expresión en Guatemala durante el 2013,” 29 November 2013. Available at: http://issuu.com/cerigua/docs/estado_de_situacion_de_la_libertad; Evelyn Blanck, “El fiscal que comenzó a lograr sentencias,” *Sala de Redacción*, October 2013. Available at: <http://saladeredaccion.com/revista/2013/10/el-fiscal-que-comenzo-a-lograr-sentencias/>.

¹⁰⁴ Interview with Elmer Yat, former Special Prosecutor for Crimes Against Journalists (*Unidad Fiscal de Delitos contra Periodistas*), Guatemala City, 26 November 2013. Interview with Jorge de Leon Duque, Human Rights Ombudsman (Procurador de Derechos Humanos), Guatemala City, 25 November 2013.

¹⁰⁵ Former Special Prosecutor for Crimes Against Journalists Elmer Yat, personal email communication, 4 November 2014.

¹⁰⁶ IACHR. Annual Report 2012. Annual Report of the Office of the Special Rapporteur for Freedom of Expression. Chapter V (Conclusions and recommendations). OEA/Ser.L/V/II.147. Doc. 1. March 5, 2013. Para. 4.: Available at: http://www.oas.org/en/iachr/expression/docs/reports/2014_04_22_Violence_WEB.pdf.

telephone),¹⁰⁷ while CERIGUA reported 10 cases (uncategorized).¹⁰⁸ In interviews, a variety of subjects also mentioned the prevalence of threats received through text or telephone calls. The Special Prosecutor for Crimes Against Journalists reported only one death threat - against Sofia Menchú in March - for which a conviction was subsequently achieved.¹⁰⁹

Anonymous, threatening text messages to mobile phones have also been widely cited as common occurrences, especially against journalists working outside of the capital.¹¹⁰

ii. Number and types of other threats to journalists.

As in the previous indicator, it is difficult to establish consensus among data provided by state or civil society monitoring organizations on the number and type of “other threats” against journalists. Legally, for example, lesser crimes against freedom of expression are defined as “threat” or “coercion.”¹¹¹ In 2013, the Special Prosecutor for Crimes Against Journalists documented 11 total cases in this category, which included 6 generalized threats, 2 cases of coercion/threat, 1 coercion, 1 concealment, 1 cyberattack, and 1 case of surveillance.¹¹² Among civil society actors like UDEFEGUA, CERIGUA, and the International Freedom of Expression Exchange network (IFEX), documented “other threats” range between 10 and 28 cases, including: source obstruction, judicial harassment, defamation, intimidation, surveillance, pursuit, verbal aggression, retention, hacking of newspaper website, alleged attempted burglary of a journalists’ home, and hostile mass purchase of a newspaper.¹¹³

¹⁰⁷ Unit for the Protection of Human Rights Defenders (*Unidad de Protección a Defensoras y Defensores de Derechos Humanos*, or UDEFEGUA), “Periodistas Agredidos,” personal email communication shared on 25 November, 2013.

¹⁰⁸ CERIGUA, “Resumen Ejecutivo, Estado de Situación de la Libertad de Expresión en Guatemala durante el 2013,” 29 November 2013. Available at: http://issuu.com/cerigua/docs/estado_de_situacion_de_la_libertad.

¹⁰⁹ Elmer Yat, personal communication of report submitted to the Organization of American States, 2 December 2013.

¹¹⁰ Transcript from five focus groups held during Regional Journalists' Meetings (*Encuentros Regionales de Periodistas*), *Centro Civitas*, 2012.

¹¹¹ Interview with Elmer Yat, former Special Prosecutor for Crimes Against Journalists (*Unidad Fiscal de Delitos contra Periodistas*), Guatemala City, 26 November 2013.

¹¹² Former Special Prosecutor for Crimes Against Journalists Elmer Yat, personal email communication of report submitted to the Organization of American States shared on 2 December 2013.

¹¹³ Unit for the Protection of Human Rights Defenders (*Unidad de Protección a Defensoras y Defensores de Derechos Humanos*, or UDEFEGUA), “Periodistas Agredidos,” personal email communication shared on 25 November, 2013.; CERIGUA, “Resumen Ejecutivo, Estado de Situación de la Libertad de Expresión en Guatemala durante el 2013,” 29 November 2013. Available at: http://issuu.com/cerigua/docs/estado_de_situacion_de_la_libertad; IFEX-ALC, “Annual Report on Impunity: Guatemala,” September 2013. Available at: <http://ifex.org/alc/es/impunidad2013/2013/en/guatemala/index.html>.

iii. Number and types of actual attacks on journalists.

The shooting of Freddy Rodas Arreaga was the only documented attempted murder of a journalist reported in 2013.¹¹⁴ A suspect was reportedly captured in connection to the crime, although no motive has yet been established.¹¹⁵ Data on the number of other “actual attacks” on journalists in 2013, however, also vary across monitoring actors and methodologies, with data ranging from 2 to 9 documented cases categorized as robberies, radio break-ins, office break-ins, physical assaults, and physical aggressions.¹¹⁶

iv. Number and types of killings of journalists.

Among press safety monitors, there is no full consensus on the number of journalists killed in 2013 for work-related reasons. Most sources, including the Special Prosecutor for Crimes Against Journalists, recorded 4 journalist killings in 2013, with all cases still under investigation:

- Jaime Napoleón Jarquin Duarte, killed on March 20th, 2013 by firearm in Moyuta, department of Jutiapa.
- Luis Alberto Lemus Ruano, killed on April 7th, 2013 by firearm in Jalpatagua, department of Jutiapa.
- Luis de Jesús Lima (radio *Sultana de Oriente*), killed on August 6th, 2013 killed by gunshots in Zacapa, Zacapa.
- Carlos Alberto Orellana Chávez (*Noticias y Más*), killed on August 19th, 2013 by firearm in Mazatenango, department of Suchitepéquez.¹¹⁷

¹¹⁴ Former Special Prosecutor for Crimes Against Journalists Elmer Yat, personal email communication of report submitted to the Organization of American States shared on 2 December 2013.

¹¹⁵ Ferdy Montepeque, “Capturan a supuesto agresor de periodista en Guatemala,” *Agencia Guatemalteca de Noticias*, 17 August 2013. Available at:

<http://www.agn.com.gt/index.php/world/fashion/item/7557-capturan-a-supuesto-agresor-de-periodista-en-guatemala>.

¹¹⁶ CERIGUA, “Resumen Ejecutivo, Estado de Situación de la Libertad de Expresión en Guatemala durante el 2013,” 29 November 2013. Available at: http://issuu.com/cerigua/docs/estado_de_situacion_de_la_libertad; Former Special Prosecutor for Crimes Against Journalists Elmer Yat, personal email communication of report submitted to the Organization of American States shared on 2 December 2013.; Unit for the Protection of Human Rights Defenders (*Unidad de Protección a Defensoras y Defensores de Derechos Humanos*, or UDEFEGUA), “Periodistas Agredidos,” personal email communication shared on 25 November, 2013; IFEX-ALC, “Annual Report on Impunity: Guatemala,” September 2013. Available at:

<http://ifex.org/alc/es/impunidad2013/2013/en/guatemala/index.html>.

¹¹⁷ Former Special Prosecutor for Crimes Against Journalists Elmer Yat, personal email communication of report submitted to the Organization of American States shared on 2 December 2013; CERIGUA, “Resumen Ejecutivo, Estado de Situación de la Libertad de Expresión en Guatemala durante el 2013,” 29 November 2013. Available at:

http://issuu.com/cerigua/docs/estado_de_situacion_de_la_libertad; Unit for the Protection of Human Rights Defenders (*Unidad de Protección a Defensoras y Defensores de Derechos Humanos*, or UDEFEGUA), “Periodistas Agredidos,” personal email communication shared on 25 November, 2013; International News Safety Institute, “Country Profile for Guatemala.” Available at: <http://www.newssafety.org/countryprofile/178>.

In an interview, former Special Prosecutor Elmer Yat suggested that Luis Lima's and Carlos Orellana's killings were motivated by the victims' profession, while Jaime Duarte's and Luis Lemus Ruano's were not.¹¹⁸ The Inter-American Press Association (IAPA)¹¹⁹ and CPJ¹²⁰ both record only the killings of Luis Lima and Carlos Orellana, which CPJ cites as "motive unconfirmed" in each case. As a matter of fact, there is no conclusive evidence on any of the four killings, and all remain under investigation as of December 2013. Minister of the Interior López Bonilla was cautious to connect the killings with the victims' profession, citing a lack of evidence and expressing the belief that they were motivated by "personal reasons."¹²¹

UN Special Rapporteur Frank La Rue qualified those remarks as "speculative."¹²² In her 2013 report, OAS Special Rapporteur Catalina Botero mentioned that in Guatemala, "a number of cases of violent deaths... may be linked to journalistic investigations into cases of corruption and the distribution of information on criminal gangs."¹²³ Referring to the four murdered journalists, she further advised that while "there is still no clear connection [between these killings] and the practice of journalism...it is essential for the authorities to investigate these incidents without dismissing the hypothesis of a connection with journalism and freedom of expression."¹²⁴ UNESCO Director-General Irina Bokova denounced the killings of all four journalists and called on authorities to conduct investigations and bring those responsible to justice.¹²⁵

v. Number and types of threats against media institutions.

Data was not available for this indicator.¹²⁶

¹¹⁸ Ligia Flores and others, "Incremento de Agresiones y limitada acción del Estado," *Sala de Redacción*, September 2013. Available at: <http://saladeredaccion.com/revista/2013/09/incremento-de-agresiones-y-limitada-accion-del-estado/>.

¹¹⁹ Inter-American Press Association. "Periodistas Asesinados 2013." Available at: <http://www.sipiapa.org/wp-content/uploads/2012/11/2.Periodistas-asesinados-2013.pdf>.

¹²⁰ Committee to Protect Journalists, "5 Journalists Killed in Guatemala since 1992/Motive Confirmed." Available at: <http://www.cpj.org/killed/americas/guatemala/>.

¹²¹ Danilo Lopez, "Periodista muere baleado en Suchitepéquez," *Prensa Libre*, 8 August 2013. Available at: http://www.prensalibre.com/suchitepequez/Periodista-muere-baleado-Suchi_0_977902249.html.

¹²² Frank La Rue Lewy, "Silenciando la prensa," *Prensa Libre*, 22 August 2013. Available at: http://www.prensalibre.com/opinion/Silenciando-Prensa_0_979102102.html.

¹²³ Inter-American Commission on Human Rights, Special Rapporteur for Freedom of Expression, Annual Report December 2013, Volume II, p.363 (17) Catalina Botero Special Rapporteur for Freedom of Expression, Organization of American States (OAS). Available at http://www.oas.org/en/iachr/expression/docs/reports/2014_04_22_%20IA_2013_ENG%20_FINALweb.pdf.

¹²⁴ Inter-American Commission on Human Rights, Special Rapporteur for Freedom of Expression, Annual Report December 2013, Volume II, p.201 (451) Catalina Botero Special Rapporteur for Freedom of Expression, Organization of American States (OAS). Available at http://www.oas.org/en/iachr/expression/docs/reports/2014_04_22_%20IA_2013_ENG%20_FINALweb.pdf.

¹²⁵ UNESCO Condemns Killings of Journalists, Guatemala, Available at <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/countries/guatemala/>.

¹²⁶ Disaggregated information on this indicator was expected to be available in January of 2014, according to an interview with the office of the Special Prosecutor for Crimes Against Journalists, Phone, 6 December 2013.

vi. Number and type of attacks on media institutions.

Threats against media institutions have not been widely reported. José Rubén Zamora, president of *elPeriódico*, publicly denounced a wave of attacks against his newspaper: since September 2012, the newspaper has reported over half a dozen cyber-attacks to its website, purportedly following the publication of articles or editorials about government corruption.¹²⁷ The State communicated to the OAS Special Rapporteur that “investigative steps have been taken aimed at clarifying the facts reported,” including steps to hire a cyber-crime investigative expert. The State also indicated that the source the attacks had been traced to Seattle, Washington.¹²⁸

Zamora also denounced the State’s alleged use of advertising embargoes in retaliation for the newspaper’s reporting on corruption in 2013. Although the State acknowledged having removed advertising from the newspaper after it published “lies,” it denied harassment.¹²⁹

On September 21st, 2013 *Prensa Libre* reported an alleged hostile mass purchase of its newspaper by unidentified individuals in Quetzaltenango, suspecting that the move was an attempt to suppress the newspaper’s report about the alleged involvement of employees of Banrural and a construction company in fraud and threat-making.¹³⁰

vii. Disaggregated data on the above indicators relating to gender, fulltime-freelance-citizen status of journalist, media platform (print, radio, TV, online), and other criteria as may be significant (eg. rural/urban; minority group, etc).

Interviews and focus groups highlighted the fact that journalists living in rural areas are more at risk for threats and attacks, and they are more likely to underreport these to the authorities.¹³¹ Around international border regions, especially near Mexico, journalists tend to refrain from reporting on

¹²⁷ Manuel Silva, “Página electrónica de ‘elPeriodico,’ blanco de ataques,” *elPeriódico*, 5 December 2013. Available at: <http://www.elperiodico.com.gt/es/pais/232495>.

¹²⁸ Inter-American Commission on Human Rights, Special Rapporteur for Freedom of Expression, Annual Report December 2013, Volume II, p.210 (477) Catalina Botero Special Rapporteur for Freedom of Expression, Organization of American States (OAS). Available at http://www.oas.org/en/iachr/expression/docs/reports/2014_04_22_%20IA_2013_ENG%20FINALweb.pdf.

¹²⁹ Inter-American Press Association, “Guatemala: 2013 – Asamblea General – Denver, Estados Unidos,” October 2013. Available at: <http://www.sipiapa.org/asamblea/guatemala-141/?i=1>.

¹³⁰ “Prensa Libre señala bloqueo a sus lectores,” *Prensa Libre*, 19 September 21 2013. Available at: http://www.prensalibre.com/noticias/Prensa-Libre-senala-bloqueo-lectores_0_997700242.html; Inter-American Commission on Human Rights, Special Rapporteur for Freedom of Expression, Annual Report December 2013, Volume II, p.214 (487) Catalina Botero Special Rapporteur for Freedom of Expression, Organization of American States (OAS). Available at http://www.oas.org/en/iachr/expression/docs/reports/2014_04_22_%20IA_2013_ENG%20FINALweb.pdf.

¹³¹ Evelyn Blanck, “El fiscal que comenzó a lograr sentencias,” *Sala de Redacción*, October 2013. Available at: <http://saladeredaccion.com/revista/2013/10/el-fiscal-que-comenzo-a-lograr-sentencias/>.

organized crime or activities related to drug trafficking.¹³² Among other issues, journalists in rural areas face logistical barriers to report on organized crime and face increased risks when following up on investigative procedures.¹³³ In a series of focus groups conducted by Centro Civitas in 2012 in five different regions throughout the country, journalists outside Guatemala City regularly reported engaging in self-censorship.¹³⁴ In interviews, it was also expressed that investigative journalism is safer for journalists based in Guatemala City.¹³⁵ Journalists outside of the capital were also more likely to report feeling less safe than Guatemala City-based journalists,¹³⁶ such as those who participated in a forum convened by UNESCO on November 26th.¹³⁷

Notably, although civil society¹³⁸ and government sources,¹³⁹ including Guatemalan Vice President Roxana Baldetti,¹⁴⁰ report that journalists in rural areas are disproportionately at risk for threats when compared with urban journalists, the number of complaints filed in 2013 does not reflect this fact, perhaps indicating that “journalists themselves self-censor and do not have confidence in the authorities.”¹⁴¹

Although incomplete, disaggregated data available from UDEFEGUA, which registered 25 incidents in 2013, offer a glimpse into the differences in gender and profession among journalists that reported incidents in 2013. Out of the total incidents recorded, 8 (about 30%) involved a total of four female journalists. Regarding professional media types, more than half (13) of the incidents involved print medium journalists, while the remaining incidents were distributed more or less

¹³² Interview with Carlos Martin Lauria and Sara Rafsky, Committee to Protect Journalists (CPJ), Skype, 19 November 2013.

¹³³ Interview with Elmer Yat, former Special Prosecutor for Crimes Against Journalists (*Unidad Fiscal de Delitos contra Periodistas*), Guatemala City, 26 November 2013.

¹³⁴ Transcript from five focus groups held during Regional Journalists' Meetings (*Encuentros Regionales de Periodistas*), *Centro Civitas*, 2012.

¹³⁵ Interview with Martin Pellecer, Director of *Nomada.gt*, formerly of *Plaza Pública*, Guatemala City, 26 November 2013.

¹³⁶ Interview with Martin Pellecer, Director of *Nomada.gt*, formerly of *Plaza Pública*, Guatemala City, 26 November 2013.

¹³⁷ Group Interview, “Libertad de Expresión y cultura de paz: Medios de Prensa y prevención de linchamientos en Guatemala,” meeting organized by UNESCO, Guatemala, 26 November 2013.

¹³⁸ Carlos Arrazola, “EX presidente de la SIP: Periodistas deben unirse para evitar agresiones,” *Sociedad Interamericana de Prensa*, 3 September 2013. Available at: <http://www.sipiapa.org/ex-presidente-de-la-sip-periodistas-deben-unirse-para-evitar-agresiones/>.

¹³⁹ Evelyn Blanck, “El fiscal que comenzó a lograr sentencias,” *Sala de Redacción*, October 2013. Available at: <http://saladeredaccion.com/revista/2013/10/el-fiscal-que-comenzo-a-lograr-sentencias/>.

¹⁴⁰ CERIGUA, “Periodistas departamentales están en mayor riesgo de sufrir agresiones: Roxana Baldetti,” *CERIGUA*, 25 November 2012. Available at: http://www.cerigua.org/1520/index.php?option=com_content&view=article&id=11629:periodistas-departamentales-están-en-mayor-riesgo-de-sufrir-agresiones-roxana-baldetti&catid=48:libertad-de-expresion&Itemid=10&utm_term=cerigua,+prensa,+periodistas,+libertad,+expresi%C3%B3n,+DD.HH.+Guatemala,+agencia.&utm_source=twitterfeed&utm_medium=twitter.

¹⁴¹ Evelyn Blanck, “El fiscal que comenzó a lograr sentencias,” *Sala de Redacción*, October 2013. Available at: <http://saladeredaccion.com/revista/2013/10/el-fiscal-que-comenzo-a-lograr-sentencias/>.

equally among radio, television, online, periodical, and independent journalists, including 3 incidents reported against press freedom advocates: UN Special Rapporteur Frank La Rue (2 incidents) and CERIGUA (1).¹⁴²

Several journalists indicated that freelancers or those working outside Guatemala's larger, more established media organizations are especially vulnerable to threats or attacks.¹⁴³

Further disaggregated data was not available at the time of this report.

2. Shared understandings and activities

i. Amongst national stakeholder groups, there is an accurate understanding of the extent and nature of the problems.

There is a consensus among national stakeholder groups that journalists covering illicit activities of criminal organizations, including drugs and human trafficking, are at risk for threats and attacks and are likely to engage in self-censorship,¹⁴⁴ especially outside Guatemala City. There is also widespread agreement that journalists' security is of national concern; that violations against journalists and freedom of expression have increased throughout 2013; and that journalists¹⁴⁵ covering local and national corruption and activities involving in large-scale infrastructure projects - such as the extraction of minerals, petroleum, and other raw materials, or hydroelectric power generation - have received targeted threats. Still, a lack of conclusive investigation into crimes against journalists casts a shadow of doubt on the empirical extent of these issues and, in some cases, an unwillingness to quantify or qualify the extent or nature of crimes against journalists. To this end, encouraging further research into the issue of journalists' self-censorship may contribute to a better understanding of the challenges journalists face when carrying out their professional duties.

Some stakeholders disagree, however, about the definition of "threats" and the level of risk that journalists face when reporting about political subjects. In interviews, some journalists were more likely to understand "threats" as violent expressions directed against lives and limbs rather than

¹⁴² Unit for the Protection of Human Rights Defenders (*Unidad de Protección a Defensoras y Defensores de Derechos Humanos*, or UDEFEGUA), "Periodistas Agredidos," personal email communication shared on 25 November, 2013.

¹⁴³ Group Interview, "Libertad de Expresión y cultura de paz: Medios de Prensa y prevención de linchamientos en Guatemala," Forum organized by UNESCO, Guatemala, 26 November 2013.

¹⁴⁴ Anna-Claire Bevan, "Reading between the lines: Journalism in Guatemala," *International News Safety Institute*, 27 July 2012. Available at:

<file:///Users/juliacoburn/Dropbox/UNESCO/Guatemala/NGO's%20reports/INSI/Reading%20between%20the%20lines:%20Journalism%20in%20Guatemala%20%7C%20INSI%20Blog.webarchive>.

¹⁴⁵ Interview with Frank La Rue, United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Skype, 2 December 2013.

‘non-violent’ acts of coercion, extortion, or other.¹⁴⁶ There is considerably more consensus about the violent and non-violent definitions of “threat” among journalists’ safety monitoring organizations, including state and civil society organizations.

ii. Stakeholders are connected to national and international alert mechanisms.

Although no comprehensive national alert system exists as a preventative measure against journalist attacks, according to government and civil society sources, several steps in this direction were taken in 2013 to create a systematic response mechanism. Among these was the Ministry of the Interior’s initiative in August 2013 to reactivate its 55 542 112 telephone line as a resource for journalists to report threats.¹⁴⁷ Additionally, the Office of the Special Prosecutor for Crimes Against Journalists receives emergency telephone calls on multiple lines, one during office hours (8:00am - 4:00pm) at 2221 4526 and two after hours at 5522 1539 and 5318 5793, while the Public Ministry’s Monitoring Unit (*Unidad de Monitoreo del Ministerio Público*) offers general assistance at 2250 0573 around the clock.¹⁴⁸

Centro Civitas, UDEFEGUA and some independent journalists proposed a pilot early warning and response system that would orient state and civil society actors on the issue of journalists’ security; facilitate investigation and data collection towards preventing crimes against journalists; and elaborate risk maps, critical travel routes, security protocols and other activities. Included in the pilot’s proposal were plans for involving journalists in the development of a national network.¹⁴⁹ President Pérez Molina mentioned this idea in his announcement of a multi-stakeholder Journalists’ Protection Plan on November 28th, 2013, although key details, including the allocation of resources, had not been established by December 2013.¹⁵⁰

A system of precautionary measures (as those indicated by the IACHR or the Inter-American Court) does exist in order to provide at-risk journalists and media organizations with protection on an emergency, case-by-case basis. As of December 2013, there are 820 individuals with protections,

¹⁴⁶ Group Interview, “Libertad de Expresión y cultura de paz: Medios de Prensa y prevención de linchamientos en Guatemala,” Forum organized by UNESCO, Guatemala, 26 November 2013.

¹⁴⁷ Ligia Flores and others, “Incremento de Agresiones y limitada acción del Estado,” *Sala de Redacción*, September 2013. Available at: <http://saladeredaccion.com/revista/2013/09/incremento-de-agresiones-y-limitada-accion-del-estado/>.

¹⁴⁸ Presentation, “Fiscalía de Sección de Derechos Humanos: Unidad Fiscal de Delitos Contra Periodistas,” prepared by the Prosecution Unit for Crimes Against Journalists of the Human Rights Section of the Office of the Prosecutor, No Date. Available at: <http://slideplayer.es/slide/27466/>.

¹⁴⁹ Ligia Flores and others, “Incremento de Agresiones y limitada acción del Estado,” *Sala de Redacción*, September 2013. Available at: <http://saladeredaccion.com/revista/2013/09/incremento-de-agresiones-y-limitada-accion-del-estado/>.

¹⁵⁰ Eder Juárez, “Piden acciones para proteger a periodistas,” *La Hora*, 29 November 2013. Available at: <http://www.lahora.com.gt/index.php/nacional/guatemala/actualidad/187496-piden-acciones-para-protger-a-periodistas>.

and 10 of these are journalists.¹⁵¹ The Human Rights Ombudsman, the Office of the Public Prosecutor, the Special Prosecutor for Crimes Against Journalists and MINGOB coordinate the receipt, evaluation, and response to journalists' request for protective measures. Should these steps fail, COPREDEH is responsible for communicating the request up to the IACHR.

iii. Good practices are widely shared through online and offline stakeholder group networks.

In recent years, state and civil society actors have begun to create and disseminate information and trainings on and offline to journalists throughout the country on safety practices and available state and NGO resources. In 2011-2012, the Rory Peck Trust and CERIGUA conducted 62 workshops with freelance journalists on safety and skills training: risk assessment, good practice, and law.¹⁵²

On October 22nd, 2013, the Special Prosecutor for Crimes Against Journalists also collaborated with CERIGUA on an educational workshop in Western Guatemala to promote professional solidarity and access to justice. Also present were representatives from MINGOB and the Office of the Public Prosecutor. In 2011, CERIGUA also collaborated with COPREDEH on a series of safety tools for journalists, including a Protocol of Security Measures for Journalists, a Safety Measures Manual, and a Guidebook that highlights the importance of adopting professional morals, norms, and ethics.¹⁵³ CERIGUA continues to share these materials with journalists in meetings about journalists' safety.¹⁵⁴

Centro Civitas publishes resources on its website for journalists and other stakeholders to download, e.g. a wide variety of security-related information, including several best-practices guides for street-safe journalism practices, encrypting digital information, information about journalists' legal rights and responsibilities, and others.¹⁵⁵

¹⁵¹ Interview with Hugo Martínez and María de los Ángeles Zambrano, representatives of the Presidential Human Rights Commission (*Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos*, or COPREDEH), Guatemala City, 25 November 2013. *Note*: In correspondence to the University for Peace received on 10 November 2013, COPREDEH has since clarified that, through a process of Request for Removal of Precautionary Measures before the Inter-American Commission on Human Rights (*Solicitud de Levantamiento de Medidas Cautelares ante la Comisión Interamericana de Derechos Humanos*), the agency reviewed protective measures active in 2013 and ultimately resolved and closed 32 cases active in 2013, 4 of which belonged to journalists. The agency continues to receive and respond to requests for protective measures for at-risk individuals and communities.

¹⁵² Rory Peck Trust, "Guatemala: Regional Skills and Safety Workshop," date unknown. Available at:

<https://rorypecktrust.org/freelance-assistance/Projects/Guatemala-Regional-Skills-and-Safety-Workshops>.

¹⁵³ CERIGUA, "CERIGUA presenta guía práctica para periodistas y medios de comunicación," *SIGNIS ALC*, 19 June 2011. Available at <http://signisalc.org/noticia/cerigua-presenta-gu-pr-ctica-periodistas-medios-comunicaci-n>.

¹⁵⁴ Erasmo González, "CERIGUA promueve unidad gremial y acceso a la justicia," *CERIGUA*, 22 October 2013.

Available at:

http://cerigua.org/1520/index.php?option=com_content&view=article&id=16021:cerigua-promueve-unidad-gremial-y-acceso-a-la-justicia&catid=48:libertad-de-expresion&Itemid=10.

¹⁵⁵ Available at: <http://saladeredaccion.com/revista/descargas/?category=9>.

In 2012-2013, Centro Civitas and *Sala de Redacción*, a specialized print and online magazine aimed at journalists, conducted a series of regional meetings - followed by a national meeting - of independent journalists to gauge consensus and mutual understanding on the foremost issues facing journalists throughout the country. These collaborative efforts produced the proposed Early Warning and Emergency Response System to Prevent Attacks on Journalists mechanism (*Sistema de Alerta Temprana de Prevención y Respuesta de Emergencia ante Agresiones a Periodistas*, or SATRE). This pilot safety alert system was presented to MINGOB, representatives of the Office of the Human Rights Ombudsman and prosecutors, as well as civic groups linked to the theme. Centro Civitas also offers distance-learning programs to journalists for professional development.¹⁵⁶

iv. Information materials are available in the key national languages.

In Guatemala, Maya communities make up an estimated 60 - 65% of the population.¹⁵⁷ Although indigenous journalists are active, especially in community radio, materials about safety and security for journalists are not widely available in Guatemala's 25 native languages,¹⁵⁸ - of which 21 are officially recognized - besides Spanish.¹⁵⁹

In June of 2013, the government of Guatemala published the Access to Public Information Act in the K'iche' language, which is spoken by 11.3% of Guatemalans.¹⁶⁰ According to Guatemalan Vice President Roxana Baldetti, the initiative will enable K'iche'-speaking citizens "to become aware of and demand better results, and reduce the levels of corruption." The government also communicated plans to translate the Act into four additional languages over the short-term and, eventually, into all of Guatemala's 22 recognized languages.¹⁶¹

¹⁵⁶ "Actividades de Centro Civitas," *Sala de Redacción*, May 2012. Available at:

<http://saladeredaccion.com/revista/2012/05/actividades-centro-civitas/>.

¹⁵⁷ Warren Kay B., "The Indigenous Role in Guatemalan Peace," *Cultural Survival*, Vol. 22, No.2 (Summer 1997).

Available at: <http://www.culturalsurvival.org/ourpublications/csq/article/the-indigenous-role-guatemalan-peace>; Inter-American Commission on Human Rights, Special Rapporteur for Freedom of Expression, Annual Report December 2013, Volume II, p.198 (43) Catalina Botero Special Rapporteur for Freedom of Expression, Organization of American States (OAS). Available at

http://www.oas.org/en/iachr/expression/docs/reports/2014_04_22_%20IA_2013_ENG%20FINALweb.pdf.

¹⁵⁸ Available at <http://www.ethnologue.com/country/GT>

¹⁵⁹ Inter-American Commission on Human Rights, Special Rapporteur for Freedom of Expression, Annual Report December 2013, Volume II, p.211 (478) Catalina Botero Special Rapporteur for Freedom of Expression, Organization of American States (OAS). Available at

http://www.oas.org/en/iachr/expression/docs/reports/2014_04_22_%20IA_2013_ENG%20FINALweb.pdf.

¹⁶⁰ Inter American Press Association (IAPA). June 19, 2013. *En idioma k'iche' la Ley de Libre Acceso a la Información*.

Available at <http://www.sipiapa.org/guatemala-publica-ley-de-libre-acceso-a-la-informacion-en-idioma-kiche/>.

¹⁶¹ Inter-American Commission on Human Rights, Special Rapporteur for Freedom of Expression, Annual Report December 2013, Volume II, p.198 (443) Catalina Botero Special Rapporteur for Freedom of Expression, Organization of American States (OAS). Available at

http://www.oas.org/en/iachr/expression/docs/reports/2014_04_22_%20IA_2013_ENG%20FINALweb.pdf.

v. A national strategy exists that identifies targets and role-players responsible for these issues.

The country does not have a fully functioning national strategy to coordinate the various state and civil society actors responsible for or engaged in protecting journalists. However, the Journalists' Protection Plan may be an important stride in that direction. *See also* section 6. The Roles and response of the State and other political actors (Category 3) for more details.

vi. Stakeholders collaborate in practice in regard to key public events.

Some events of collaboration have taken place, although not on a regular basis. See below the example of the commemoration of World Press Freedom Day.

vii. Safety issues have visibility in relevant international days and events.

In 2012, leadership from CERIGUA, UNESCO Guatemala, the School of Communication Science of the University of San Carlos in Guatemala, the Association of Journalists of Huehuetenango, and the Vice Presidential Press Secretary commemorated World Press Freedom Day with a discussion that included issues pertaining to security for journalists.¹⁶² CERIGUA followed up with a press conference on World Press Freedom Day in May 2013 to “demand that the government of Guatemala adopt a protection program for journalists.”¹⁶³ Centro Civitas and *Sala de Redacción* also marked 2013 World Press Freedom Day by publishing a Declaration that acknowledged the efforts of government agencies to protect the safety of journalists and communicators in Guatemala.¹⁶⁴

viii. Stakeholders create awareness through monuments, naming of streets, meeting rooms or halls, and prizes.

In 2013, many state, civil society, and media organizations, including journalists' associations, congratulated CERIGUA on winning the 2013 Press Emblem Campaign (PEC) Prize for the protection of journalists.¹⁶⁵ The prize is awarded each year by the PEC board and recognizes an individual or

¹⁶² Ceriguatv, “Día Mundial de la Libertad de la Prensa 2012 Guatemala,” 3 May 2012. Available from <http://www.youtube.com/watch?v=s8YvmW70JDK>.

¹⁶³ Ceriguatv, “CERIGUA - Conferencia de Prensa - Día Mundial de la Libertad de la Prensa 2013,” 6 May 2013. Available at: http://www.youtube.com/watch?v=7412ggC_SHE.

¹⁶⁴ “Declaración de Centro Civitas/Sala de Redacción el Día Mundial de la Libertad de la Prensa,” *Facebook page of Sala de Redacción*, 3 May 2013. Available at: https://www.facebook.com/notes/sala-de-redacción/declaración-de-centro-civitas-sala-de-redacción-el-d%C3%ADa-mundial-de-la-libertad-de-/592810150736912?notif_t=close_friend_activity.

¹⁶⁵ CERIGUA, “Entidades nacionales se congratulan con CERIGUA,” *CERIGUA*, 28 May 2013. Available at: http://cerigua.org/1520/index.php?option=com_content&view=article&id=13965%3Aentidades-nacionales-se-congratulan-con-cerigua-&Itemid=8.

an organization that has worked in conflict zones for the defense of press freedom and media workers.¹⁶⁶

- ix. Indirect stakeholders such as public figures, lawyers' and bar associations, magistrates' associations, Internet freedom NGO's, and women, youth and environmental groups actively promote the safety of journalists.**

While broader Guatemalan society is likely to condemn or disapprove of high-profile, serious crimes against journalists, widespread public ignorance on journalists' security and freedom of expression prevails.¹⁶⁷ Because of this lack of understanding, and because of the complicated relationships between organized crime and community administration – especially in rural or border regions – members of the Guatemalan public have treated journalists with hostility and sometimes violence. CERIGUA reported that Guatemalan citizens or groups perpetrated five cases of aggression against journalists in 2013.¹⁶⁸ According to a group interview with journalists, “those who most often threaten [journalists] are members of the public... or public officials.”¹⁶⁹ Awareness of and perceptions of importance of the protection of freedom of expression is reported to be relatively low within the public at large.¹⁷⁰

UDEFEQUA's efforts to include journalists' security issues in its work indicates a degree of solidarity between journalists and Guatemala's wider network of human rights defenders. There is, however, a lack of understanding of security issues among independent communicators who do not view themselves as professional journalists, but who may nevertheless be at risk for attacks or threats because of their activities.¹⁷¹

¹⁶⁶Press Emblem Campaign, PEC Award for the Protection of Journalists, Available at: <http://www.presseblem.ch/7518.html>

¹⁶⁷ IFEX-ALC, “Annual report on impunity 2012,” 2012, p.17. Available at: <http://ifex.org/alc/es/impunidad2012/en/sobre.html>; Interview with Jorge de Leon Duque, Human Rights Ombudsman (Procurador de Derechos Humanos), Guatemala City, 25 November 2013.

¹⁶⁸ CERIGUA, “Resumen Ejecutivo, Estado de Situación de la Libertad de Expresión en Guatemala durante el 2013,” 29 November 2013. Available at: http://issuu.com/cerigua/docs/estado_de_situacion_de_la_libertad.

¹⁶⁹ Group Interview, “Libertad de Expresión y cultura de paz: Medios de Prensa y prevención de linchamientos en Guatemala,” Forum organized by UNESCO, Guatemala, 26 November 2013.

¹⁷⁰ Interview with Elmer Yat, former Special Prosecutor for Crimes Against Journalists (*Unidad Fiscal de Delitos contra Periodistas*), Guatemala City, 26 November 2013; Interview with Jorge de Leon Duque, Human Rights Ombudsman (Procurador de Derechos Humanos), Guatemala City, 25 November 2013.

¹⁷¹ Interview with Kara Andrade, Co-founder of *HablaCentro*, Skype, 7 November 2013.

x. Existing hotlines and other safety mechanisms and facilities for journalists in distress have adequate visibility and can operate without undue hindrance.

After a wave of violence in August 2013, MINGOB reactivated its 55 542 112 telephone line as a resource for journalists to report threats.¹⁷² “We don’t trust the authorities,” was the reaction from *Sala de Redacción* on their Facebook page just following the announcement. As of mid-September, Armindo Reyes, Chief of the Investigation Unit for Crimes Against Human Right Defenders (*Unidad de Investigación de Delitos contra Defensoras y Defensores de Derechos Humanos*), recorded only one complaint received through this line.¹⁷³

¹⁷² Ligia Flores and others, “Incremento de Agresiones y limitada acción del Estado,” *Sala de Redacción*, September 2013. Available at: <http://saladeredaccion.com/revista/2013/09/incremento-de-agresiones-y-limitada-accion-del-estado/>.

¹⁷³ Ligia Flores and others, “Incremento de Agresiones y limitada acción del Estado,” *Sala de Redacción*, September 2013. Available at: <http://saladeredaccion.com/revista/2013/09/incremento-de-agresiones-y-limitada-accion-del-estado/>.

5. The roles and response of the UN system and other extra-national actors with presence within the country

1. UN within the country monitors journalists' safety issues

- i. **UN system at national level maps relevant instruments, actions and actors, and establishes partnership and communication channels with specialized monitoring organisations (such as in-country IFJ and IFEX members).**

Although several UN system organizations are working in Guatemala, the issue of the safety of journalists is only explicitly covered by UNESCO, the United Nations High Commissioner for Refugees (UNHCR), and the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, as well as by the CICIG. These organizations also cooperate with research institutions, especially IFEX and IFJ, and invite “stakeholders, including national authorities, local and international NGO’s, media houses and academia,” to cooperate.¹⁷⁴ However, the specific mapping mechanisms of these agencies were not studied for this report.

UNESCO coordinates with various stakeholders globally, including in Guatemala, regarding the implementation of the UN Plan of Action on the Safety of Journalists. It actively encourages cooperation with different international and national groups, which also leads to joint conferences and other activities. Among key partners are IFEX (International Freedom of Expression Exchange network), CPJ (Committee to Protect Journalists) and CERIGUA (Centro de Reportes Informativos de Guatemala), which is also part of the international alliance IFEX en América Latina y el Caribe (IFEX-ALC). UNESCO regularly invites all parties involved in journalists’ and communicators’ security issues to take advantage of UNESCO’s knowledge and cooperation.¹⁷⁵

The CICIG, which began its operations in September 2007, carries out independent investigations into violence and crimes in Guatemala with the objective of reducing impunity. It also makes proposals for legal reforms, provides technical assistance to justice sector institutions, and is working together with office of the Attorney General (*Fiscal General de la República*).¹⁷⁶ As UN Special Rapporteur Frank La Rue has pointed out, “(a)lthough the CICIG is not specifically directed

¹⁷⁴ UNESCO: Safety of Journalists and Impunity. Available at: <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/safety-of-journalists/safety-of-journalists-redesign/>.

¹⁷⁵ UNESCO: Guatemala presenta un mecanismo para la protección de los periodistas. Available at: <http://www.unesco.org/new/es/communication-and-information/resources/news-and-in-focus-articles/allnews/news/guatemala-launches-a-proposed-mechanism-for-the-protection-of-journalists/#.UqRqIhzDqGf>.

¹⁷⁶ Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, p. 12.

towards journalists, it draws attention to issues at the heart of the problem of impunity.”¹⁷⁷

ii. UN system at national level requests information from the State about the safety of journalists and the issue of impunity.

For several years now - but especially after the UN secretariat leadership’s endorsement of the UN Plan of Action on April 12th, 2012 - UNESCO has urged the Guatemalan State to take action in favor of the protection of journalists. In 2013, Director General of UNESCO Irina Bokova asked the State to investigate the killings of four journalists - Luis Alberto Lemus Ruano, Luis de Jesús Lima, Jaime Napoleón Jarquín Duarte, and Marco Antonio Estrada - in statements released after their respective deaths.¹⁷⁸ On November 12th, 2012, when CERIGUA and IEFX-ALC presented their report "Impunity for Freedom of Speech Violations in Latin America," UNESCO representative Edgar Montiel, who attended the presentation and commented on it publicly, “agreed that correspondents face risks on a daily basis in rural areas” and “urged authorities to offer appropriate protection to enable them to conduct their work without any barriers.”¹⁷⁹

iii. UN system at national level makes available information on journalists’ safety and impunity to the UN at global level.

All of the three mentioned stakeholders, UNESCO, UNHCR and the UN Special Rapporteur are doing their own research and analysis individually and in cooperation with “stakeholders including national authorities, local and international NGO’s, media houses and academia.”¹⁸⁰ Resulting material is then published online. The UN Special Rapporteur has repeatedly addressed the situation in Guatemala in his reports to the General Assembly¹⁸¹ and also to UNHCR. He has proposed greater clarity for the State’s proposed Journalists’ Protection Plan, as well as the elaboration of a concrete strategy.¹⁸²

¹⁷⁷ Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, p. 12.

¹⁷⁸ “UNESCO Condemns Killings of Journalists: Guatemala” *UNESCO*, Available at: <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/countries/guatemala/>

¹⁷⁹ CICIG, Press Release 090: Report presented on Impunity for Attacks on Journalists Available at: <http://www.cicig.org/index.php?mact=News,cntnt01,detail,0&cntnt01articleid=300&cntnt01returnid=67>.

¹⁸⁰ UNESCO: Safety of Journalists and Impunity. Available at: <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/safety-of-journalists/safety-of-journalists-redesign/>.

¹⁸¹ Interview with Frank La Rue, United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Skype, 2 December 2013.

¹⁸² Interview with Frank La Rue, United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Skype, 2 December 2013.

iv. UN system supports specific projects and activities on building and reinforcing the capacity to monitor and assess safety.

Where possible, all three aforementioned UN actors are active in this field, supporting events like conferences and trainings, where possible. However, some NGO's and independent news entities would prefer to remain independent so as not present any conflict of interest or to collaborate with other organizations who might be affiliated in ways to certain groups that might present security risks.¹⁸³

UNESCO, like other international organizations, governments and donors, funds events pertaining to the security of journalists. UNESCO also participates in others' events, such as a series of regional seminars that were organized with CERIGUA on the subjects of safety, protection and awareness for journalists.¹⁸⁴

2. UN system within the country fosters normative view that free expression standards include safety of journalists and measures against impunity

i. UN system organisations at in-country level promote the existence and scope of relevant normative standards, including the provision that those which exist offline should also apply online.

Through press conferences, press releases, and on social media, UNESCO – along with NGO's – has urged the government to adopt policies and normative standards to protect journalists and to end impunity of crimes committed against media workers and NGO personnel. The UN, especially UNESCO, has long encouraged the construction of a national plan to protect journalists in Guatemala. At the time of this report, although no State-oriented normative standards had been formally issued or implemented, representatives from UNESCO and OHCHR were actively consulting with the State as members of an inter-institutional council and following up on the State's Journalists' Protection Plan, ratified in November 2013.¹⁸⁵ The inter-institutional council itself was established at UNESCO's recommendation. During the council's first meeting on December 12th, 2013, Julio Carranza of UNESCO reportedly emphasized the issue of impunity.¹⁸⁶ *See also* (5.4.ii).

¹⁸³ Interview with Kara Andrade, Co-founder of *HablaCentro*, Skype, 7 November 2013.

¹⁸⁴ Cerigua (May 2013). Necesario implementar un Programa de Protección a Periodistas. Available at: <http://www.youblisher.com/p/620535-Necesario-implementar-un-Programa-de-Proteccion-a-Periodistas/>.

¹⁸⁵ Available at: <http://www.icndiario.com/2013/12/13/guatemala-presenta-plan-de-proteccion-a-periodistas-2/>.

¹⁸⁶ Available at: <http://www.guatemala.gob.gt/index.php/2011-08-04-18-06-26/item/6569-inician-procesos-de-instancia-de-protecci%C3%B3n-al-periodista>.

As the UN Special Rapporteur stated, those norms still need to be discussed and negotiated,¹⁸⁷ with implementation still further down the road.

ii. Promotion takes cognisance of the fact that women journalists may be subject to specific sexual harassment and violence.

Presently, the topic of gender-specific violence against women journalists is very much discussed on a global level. Several NGO's are emphasizing the topic of violence against female journalists. For example, the International Federation of journalists (IFJ) has a global campaign that aims to end violence against women journalists, which was also presented at UNESCO's recent Global Forum on Media and Gender in Bangkok on December 2-3, 2013.¹⁸⁸ At a national level, however, the broader discussion on safety of journalists and the importance of freedom of expression is still relatively underrepresented,¹⁸⁹ and particular forms of violence directed towards women journalists seem to be debated even less frequently. In Kara Andrade's view, this is "perhaps because violence is so normalized within these contexts. People learn to live with these security risks and threats, sometimes on a daily basis. There is very little coverage, much less analysis or investigative reporting, of why journalists, communicators or women human rights defenders and activists are being targeted."¹⁹⁰ Harassment of women journalists is frequently categorized along with attacks against journalists generally, and is rarely perceived to be an issue of gender.¹⁹¹ Most journalists in Guatemala are male, and the majority of attacks against journalists are perpetrated against men.

iii. UN system organizations [at the national level] integrate journalism safety into areas in where they work such as the rule of law, environmental protection, sustainable development, etc.

A.) UNESCO is the United Nations agency with a mandate to promote freedom of expression and press freedom. The constitution of the Organization explicitly includes a mission "to promote the free flow of ideas by word and image". Fulfillment of this has included a long-standing commitment to foster the safety of journalists in the exercise of their work, as a prerequisite of a free, pluralistic and independent media. UNESCO has led, within the UN system, the implementation of a comprehensive UN Plan of Action on the Safety of Journalists and the Issue of Impunity which aims at protection and promotion of safety of journalists, both for preventing violence and for fighting impunity for crimes against journalists.

¹⁸⁷ Interview with Frank La Rue, United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Skype, 2 December 2013.

¹⁸⁸ Available at: http://www.ifex.org/international/2013/12/04/violence_against_women_journalists/.

¹⁸⁹ IFEX Annual Report 2012, p. 18

¹⁹⁰ Personal communication from Kara Andrade Co-founder of *HablaCentro* on 31 October 2014.

¹⁹¹ Interview with Lucrecia Molina Theissen, San Jose, Costa Rica, 8 November 2013.

B) The UN System organizations working on the issue of Safety of Journalists are OHCHR and UNESCO, each through their specific mandates. Both organizations are members of high-level and political tables in the process of building a program to protect journalists.

On October 22nd 2012, during the 14th session, the State of Guatemala's human rights progress was evaluated by the OHCHR. One of the areas that were highlighted was the attack against human rights defenders, including journalists. In the same year, in response to the recommendations that were raised in the Universal Periodic Review, held in Geneva, Switzerland ¹⁹² the State of Guatemala voluntarily committed to developing the Program to Protect Journalists.

In November 2013, UNESCO and the Office of the Resident Coordinator (OCR) were invited to the signing of the public commitment¹⁹³ of the Program to Protect Journalists.

The mechanism driving this program is based on the structure recommended by the High Level Committee and Technical Committee (both composed of members of the Presidential Commission for Coordinating Executive Policy on Human Rights, the Ministry of the Interior, prosecutors, the Institution of Ombudsman for Human Rights and the Social Communication Secretariat of the Presidency of the Republic (who hereafter may be referred to as the Ministry of Social Communication)), who were involved in the building, facilitating, coordination and institutional integration process delegated by the President. Representatives of the Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) accompanied the building and implementation process of the Program to Protect Journalists.

C) UNESCO has proposed for the creation of a working group in 2015 on the issue of safety of journalists and human rights defenders, based on the actions defined by UNDAF, and with the participation of ILO, CICIG, OHCHR, UNDP and UNESCO.

¹⁹² Human Rights Council, Report of the Working Group on the Universal Periodic Review: A / HRC / 22/8. The UPR is a mechanism of protection of human rights and represents for the state an opportunity to express and publicize what progress has been achieved at national level in this area. In May 2008, the State of Guatemala submitted to the Human Rights Council UN, the first report on the Universal Periodic Review, as a response to the recommendations on human rights, to rise to the State. In this logic commitments were made and progress and compliance process was developed.

¹⁹³ The signing: The president, Otto Perez Molina, together with the Vice President of the Republic, Roxana Baldetti, the Interior Minister, President of the Coordinating Presidential Commission of Executive Policy on Human Rights, with representatives of the institution of Ombudsman for Human Rights, the Public Ministry; and witnessed by the Resident Coordinator of the United Nations - OCR and the Representative of the United Nations Educational, Scientific and Cultural Organization - UNESCO

iv. UN system at national level publishes information about journalists' safety issues and makes this available in the key national languages.

All UN system organizations in Guatemala do publish in Spanish, the official language of the country. Together with CICIG, UN system organizations like UNESCO use their websites to publish press releases, and they also make public statements at joint events with other organizations and through interviews to local media.¹⁹⁴ Although there are as many as 26 other individual indigenous languages¹⁹⁵ and the majority of the population is indigenous, UN system organizations are not readily available in native languages other than Spanish, except when community radios broadcast relevant news in indigenous languages.¹⁹⁶ UNESCO also references other stakeholders that publish information about journalist's safety in the country.

v. UN system at national level has awareness raising strategy and makes statements about killings of journalists.

Through their work, all UN system organizations at national level emphasize the importance of the freedom of expression and call upon the Guatemalan State to improve the safety of journalists. UNESCO is one of them, and one of its policies is to make statements about killings or any kind of harassment against journalists.¹⁹⁷ On May 3rd, for example, UNESCO observed the 2013 global theme of World Press Freedom Day, "Safe to Speak: Securing Freedom of Expression in All Media" by sharing data on journalists' killings and making a public appeal in support of safety.¹⁹⁸ UNCT talks openly about violence and the 'general culture of impunity' in Guatemala.¹⁹⁹ However, while its reports do not necessarily evidence an overarching, systematic strategy to raise awareness, UNCT publishes its work on the protection of journalists— for example, its participation joint seminars with CERIGUA and other NGO's. *See also* (5.1.iv).

¹⁹⁴ Sala de Redacción: La Rue: "El Estado no debe especular sobre las agresiones a periodistas, sino investigar", by Ligia Flores. Available at: <http://saladeredaccion.com/revista/2013/04/la-rue-“el-estado-no-debe-especular-sobre-las-agresiones-a-periodistas-sino-investigar”/>.

¹⁹⁵ Available at: <http://www.ethnologue.com/country/GT>.

¹⁹⁶ Available at: <http://www.culturalsurvival.org/current-projects/community-radio-project>.

¹⁹⁷ e.g. UNESCO, Aug. 14th, 2013. Available at: <http://www.un.org/apps/news/printnewsAr.asp?nid=45624> or UNESCO, April 16th, 2013. Available at:

http://www.unesco.org/new/en/media-services/single-view/news/director_general_calls_for_investigation_into_murder_of_guatemalan_journalist_luis_alberto_lemus/#.Uq91_BzDqGc.

¹⁹⁸ Available at:

<https://www.facebook.com/UNESCO.gt/photos/a.224744917626556.38144.189111624523219/352016174899429/?type=1>

¹⁹⁹ UNCT Guatemala: Analisis de Situación de País. 2010-2014. CCA for Guatemala Programming Cycle 2010-2014. Guatemala. Available at:

<http://www.undg.org/unct.cfm?module=CoordinationProfile&page=Country&CountryID=GUA&fuseaction=UN%20Country%20Coordination%20Profile%20for%20Guatemala>.

More broadly, the UN Plan of Action on the Safety of Journalists and the Issue of Impunity was endorsed by the UN Chief Executives Board in April 2012.²⁰⁰ Finally, on November 26th, 2013 the UN General Assembly's produced a draft resolution "Safety of journalists and the issue of impunity."²⁰¹ By the terms of the resolution, which clearly calls for action on behalf of UN member states, "the General Assembly would condemn unequivocally all attacks and violence against journalists and media workers, such as torture, extrajudicial killings, enforced disappearances and arbitrary detention, as well as intimidation and harassment in both conflict and non-conflict situations. It would also decide to proclaim 2 November as the International Day to End Impunity for Crimes against Journalists."²⁰²

3. UN system within the country implements effective co-ordination and responses to safety incidents and problems

i. UN system organisations have joint, complementary and co-ordinated activity in support of the safety of journalists as per the UN Action Plan.

UN system organizations seem to reach out to cooperate with NGO's and other institutions. External visibility of UN system organizations' collaboration with each other internally is limited.²⁰³

ii. UN system encourages multi-stakeholder co-operation with non-UN actors on safety and impunity, and contributes to formulation of national strategies.

When Guatemala announced its Journalists' Protection Plan on Nov. 26th, 2013, UNESCO reacted "with great optimism" and renewed its offer of expertise and support in assisting the coordination of dialogue on the State's proposed national strategy to also include relevant non-state actors.²⁰⁴

Even in the absence of a national strategy, NGO's and other organizations have been working with

²⁰⁰ UN Plan of Action on the Safety of Journalists and the Issue of Impunity. Available at: <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/safety-of-journalists/un-plan-of-action/>.

²⁰¹ UN General Assembly, Third Committee, 51st & 52nd Meetings (AM & PM): Third Committee approves text title 'Right to Privacy in the Digital Age'. Available at: <https://www.un.org/News/Press/docs/2013/gashc4094.doc.htm>.

²⁰² UN General Assembly, Third Committee, 51st & 52nd Meetings (AM & PM): Third Committee approves text title, 'Right to Privacy in the Digital Age'. Available at: <https://www.un.org/News/Press/docs/2013/gashc4094.doc.htm>.

²⁰³ e.g. an interviewee from an NGO (not wanting to be quoted) mentioned being surprised that UNESCO and UNHCR were not teaming up officially in that respect.

²⁰⁴ UNESCO: Guatemala presenta un mecanismo para la protección de los periodistas. Available at: <http://www.unesco.org/new/es/communication-and-information/resources/news-and-in-focus-articles/all-news/news/guatemala-launches-a-proposed-mechanism-for-the-protection-of-journalists/#.UqRqIhzDqGf>.

UNESCO on the issue for some time now. Joint events, seminars and trainings were organized in 2013, and monitoring mechanisms have been established in recent years.²⁰⁵ Several NGO's, including CERIGUA and Centro Civitas, worked on such proposals in consultation with UNESCO.²⁰⁶ CICIG also acknowledges the importance of cooperating with other actors. At a press conference proposing cooperation, the Commissioner said: "For the Commission it is important to maintain a broad, open dialogue with the different sectors of civil society fighting to achieve justice and uphold the rights of Guatemalans. We have a common goal and we must join together for the good of the country. Difficult times lie ahead and civil society must, therefore, be united and in touch with the national situation."²⁰⁷ GAM, Plataforma Internacional contra la Impunidad, Unidad Nacional de Mujeres Guatemaltecas (UNAMG), and Coordinadora Nacional de Viudas de Guatemala (CONAVIGUA) were among the 41 organizations that participated in the talk, all of them NGO's and think tanks.

iii. UN system organisations promote safety issues in their dealings with journalists and other stakeholders (such as within the criminal justice system).

CICIG indirectly promotes the topic of journalists' safety by emphasizing the importance of open and accessible information. Its report *Impunity for Freedom of Speech Violations in Latin America* was published and presented in Guatemala on November 22nd, 2012 by IFEX and CERIGUA—its affiliate in Guatemala—in celebration of the International Day against Impunity. Attorney General Claudia Paz y Paz, Vice President Roxana Baldetti and UNESCO Representative, Edgar Montiel, also attended the event to comment on the report.²⁰⁸

UNESCO as well as the UN Special Rapporteur are meeting with journalists regularly, and emphasizing the issue of security.²⁰⁹

iv. Safety of journalists issues are reflected in the UN Development Assistance Frameworks and other country programming documents, and are discussed within UN Country Teams including both resident and non-resident agencies.

UNESCO has successfully urged for UNDAF to take a stance on the issue of the Safety of Journalists.

²⁰⁵ SR Human Rights Defenders: Report of the Special Representative of the Secretary-General on the situation of human rights defenders, Hina Jilani*

²⁰⁶ Interview with Evelyn Blanck, Coordinator of *Centro Civitas* and journalist for *Sala de Redacción*, Skype, 12 November 2013.

²⁰⁷ CICIG: Press Release 060. Interactive Dialogue with Civil Society. Available at: <http://www.cicig.org/index.php?mact=News,cntnt01,detail,0&cntnt01articleid=465&cntnt01returnid=105>.

²⁰⁸ CICIG, Press Release 090: Report presented on Impunity for Attacks on Journalists. Available at: <http://www.cicig.org/index.php?mact=News,cntnt01,detail,0&cntnt01articleid=300&cntnt01returnid=67>.

²⁰⁹ These contacts were mentioned, and actually also made some interviews of this study possible in Nov. 2013.

The UNDAF document is currently being reviewed by the Ministry of Planning and Programming of the Presidency.

- v. UN system organisations at national level have, or fundraise, specific budgets for their safety activities.**

UNESCO is funding seminars and discussions/conferences on the topic. See (5.4.ii) for description). Although detailed budgetary information was not researched for this report, in 2013, UNESCO's International Program for the Development of Communications (IPDC) allocated US \$12,100 to CERIGUA for activities to promote journalist safety.²¹⁰

- vi. UN system has a rapid response mechanism at the national level to assist journalists who are attacked or are under threat.**

Research was not possible for this indicator.

4. UN within the country builds knowledge and capacity

- i. UN system disseminates knowledge of relevant good practices and encourages local adaptation.**

While the UN Plan of Action includes provisions to disseminate knowledge, best practice examples are not immediately available and will require time to emerge. Nevertheless, UNESCO already encourages local adoption of measures to ensure the protection of journalists,²¹¹ which are closely related to the State's proposal to develop security mechanisms for journalists. See also (5.1.i), (5.1.ii), and (5.2.i).

- ii. UN system organisations provide advice and capacity building to stakeholders on issues such as the treatment of journalists; investigation of crimes against journalists; and prosecution and protection measures.**

As mentioned in (5.2.1), UN representatives are participants in an inter-institutional commission charged with designing follow up to the Journalists' Protection Plan presented and ratified by President Pérez Molina on November 28th, 2013. On November 12th, 2013 Julio Carranza from UNESCO and Alberto Brunori of OHCHR joined authorities from the Guatemalan government,

²¹⁰ Available at: <http://www.unesco-ci.org/ipdcprojects/content/fighting-impunity-and-promoting-knowledge-legislation-and-justice-mechanisms-order-improve>.

²¹¹ This is an example available at: <http://www.cicig.org/index.php?mact=News.cntnt01.detail.0&cntnt01articleid=430&cntnt01returnid=105>.

including delegates from the office of the Human Rights Ombudsman and Secretary of Social Communication of the President (SCSPR), Francisco Cuevas, in the first technical meeting of the inter-institutional commission. The UN representatives, who serve as observers in support of the Plan, provided guidance on outlining the Plan's three-phase rollout, including provisions for the establishment of "processes for receiving complaints that accelerate and guarantee investigations to ensure preventative and precautionary measures are taken to reduce aggression against journalists." UNESCO also reportedly emphasized the importance of conducting thorough investigations into complaints.²¹²

UNESCO also participates in and funds seminars and discussions/conferences on topics relating to journalists' safety, the investigation of crimes, and prosecution and protection measures. Some examples include:

- In 2013, UNESCO, together with CERIGUA and the Special Prosecutor for Crimes Against Journalists organized a series of workshops in rural areas like Coban, Quetzaltenango, and Alta Verapaz to train for journalists and media workers on defense mechanisms and alert systems.²¹³
- On July 23rd, 2013 UNESCO organized a panel of experts featuring Head of Office Edgar Montiel, María Machicado from UN Women, and representatives from Guatemala's academic and NGO sectors to discuss "freedom of expression as a condition for building a Culture of Peace in Guatemala."²¹⁴
- On November 26th, UNESCO organized the forum "Freedom of Expression and a Culture of Peace: Press Media and the prevention of lynching in Guatemala," in Guatemala City, which convened multiple stakeholders from government, media, civil society, journalists' associations and journalists.²¹⁵

In 2013, IPDC initiated the project "Fighting impunity and promoting knowledge of legislation and justice mechanisms in order to improve safety of journalists and freedom of the press in Guatemala," allocating US \$12,100 to CERIGUA. The purpose of the project is to "adopt a system wide approach, combining top-down with bottom-up, interventions to attempt to tackle the problem," supporting the state of Guatemala "in its compliance with the IPDC's decisions on the safety of journalists and the Issue of impunity." Funds are allocated toward designing interventions "to empower the overall communication sector on national and international protection framework, mechanisms, rights and best practice," targeting current practitioners and students

²¹² Available at <http://www.guatemala.gob.gt/index.php/2011-08-04-18-06-26/item/6569-inician-procesos-de-instancia-de-protecci%C3%B3n-al-periodista>

²¹³ Available at: http://cerigua.org/1520/index.php?option=com_content&view=article&id=16196%3Aamenazas-y-coacciones-resaltan-entre-agresiones-contrala-prensa&catid=48%3Alibertad-de-expresion&Itemid=10.

²¹⁴ Available at: <http://www.redpartidos.org/blog/expertosdi>.

²¹⁵ Forum, "Freedom of Expression and a Culture of Peace: Press Media and the prevention of lynching in Guatemala, (Libertad de Expresión y cultura de paz: Medios de Prensa y prevención de linchamientos en Guatemala)," organized by UNESCO, Guatemala City, 26 November 2013.

and the “development of material to be included into the national curriculum for future generations.”²¹⁶

Further research into the extent of UN system organizations’ activities involve capacity building, particularly at the state level and among judges and other relevant stakeholders, was not possible within the timeframe of this report.

- iii. UN organizations provide safety training to journalists such as on reporting in conflict zones, legal rights, self-protection techniques, first aid, etc. and assist with provision of safety equipment.**

Research was not possible for this indicator.

5. Within the country, other international intergovernmental and non-governmental agencies promote safety of journalists:

- i. One or more relevant regional intergovernmental organisations promote safety issues in the country.**

The OAS Special Rapporteur for Freedom of Expression conducts visits to Guatemala to carry out promotional activities on the right to freedom of expression in the Inter-American Human Rights System, which can include journalists’ safety issues. In 2013, representatives of the Special Rapporteurship visited Guatemala in June to offer seminars to journalists, members of human rights organizations, and academia on the right of access to information in partnership with Acción Ciudadana, Trust for the Americas, Open Society Foundations (OSF) and several of the Universidad Rafael Landívar’s campuses.²¹⁷ However, whether the seminars included specific discussions on journalists’ safety could not be confirmed at the time of this report.

The Special Rapporteur also produces statements and annual reports on freedom of expression, including journalists’ safety issues, in the Americas. These are periodically supplemented with specific reports on particular countries: the Special Rapporteurship’s most recent country-specific report for Guatemala was published in 2004.²¹⁸

²¹⁶ <http://www.unesco-ci.org/ipdcprojects/content/fighting-impunity-and-promoting-knowledge-legislation-and-justice-mechanisms-order-improve>.

²¹⁷ Inter-American Commission on Human Rights, Special Rapporteur for Freedom of Expression, Annual Report December 2013, Volume II, p.21 (48) Catalina Botero Special Rapporteur for Freedom of Expression, Organization of American States (OAS). Available at http://www.oas.org/en/iachr/expression/docs/reports/2014_04_22_%20IA_2013_ENG%20FINALweb.pdf.

²¹⁸ Inter-American Commission on Human Rights, Special Rapporteur for Freedom of Expression, Annual Report December 2013, Volume II, p.23 (60) Catalina Botero Special Rapporteur for Freedom of Expression, Organization of

While the European Union (EU) is mostly concentrating on a more general defense of Human Rights,²¹⁹ it is mostly UN organizations that promote safety issues on the journalists' level. In general, most IOs and NGO's debate the topic of safety.

ii. International NGO's support local efforts to promote safety.

Organisations like IFEX, IFJ, CPJ, ARTICLE 19, Rory Peck Trust and Reporters Sans Frontiers (RSF)²²⁰ are promoting the safety of journalists. Other NGO's work on safety issues for citizens and human rights defenders as well, although not necessarily regarding journalists. Security issues in the country can be found in many international and local NGO's reports. It is also part of international organizations' current development strategies in many countries to cooperate closely with and support efforts of local organizations, such as in El Salvador; Georgia, and Kenya with the initiative Securing Access to Free Expression (S.A.F.E). S.A.F.E. is funded by the U.S. Department of State's Bureau of Democracy, Human Rights, and Labor and was implemented by International Research & Exchanges Board (IREX), concentrating on security trainings and support for journalists.²²¹

5.1. These international actors within the country monitor journalists' safety issues

i. At national level, they map relevant instruments, actions and actors.

The following (inter)national actors within the country monitor journalists' safety issues:

While RSF deals broadly with journalist safety issues and reports on its findings,²²² it also produces an annual Press Freedom Index,²²³ whereby it reports on cases of attacks on freedom of expression, indexes press freedom by country, and includes a section on "safety of journalists."²²⁴

IFEX has already been mentioned several times in this report. The same is true for CPJ, which has an online data bank on journalists killed.²²⁵ Additionally, research institutions that are in contact with the UN, including the Knight Center for Journalism in the Americas,²²⁶ monitor the situation of journalists' safety. Further actors include IFJ, CPJ, ARTICULO 19, and Rory Peck Trust, among others.

American States (OAS). Available at

http://www.oas.org/en/iachr/expression/docs/reports/2014_04_22_%20IA_2013_ENG%20_FINALweb.pdf.

²¹⁹ Available at:

http://ec.europa.eu/europeaid/where/latin-america/country-cooperation/guatemala/guatemala_en.htm.

²²⁰ An example available at: <http://en.rsf.org/guatemala.html>.

²²¹ Available at: <http://www.irex.org/project/safe-securing-access-free-expression>.

²²² An example available at: <http://en.rsf.org/un-general-assembly-adopts-26-11-2013,45512.html>.

²²³ Available at: <http://en.rsf.org/guatemala.html>.

²²⁴ Available at: <http://en.rsf.org/safety-of-journalists.html>.

²²⁵ Available at: <http://cpj.org/killed/americas/guatemala/>.

²²⁶ Available at: <https://knightcenter.utexas.edu/blog/00-13819-guatemala-takes-first-steps-establish-program-protect-journalists>.

- ii. **They make available information on journalists' safety and impunity to the UN at global level.**

Research for this question was not possible to complete in the timeframe of this project.

5.2. These international actors within the country foster the normative view that free expression standards include safety of journalists and measures against impunity

- i. **They promote the existence and scope of relevant normative standards, including the provision that those which exist offline should also apply online.**

Research for this question was not possible to complete in the timeframe of this project.

- ii. **Promotion takes cognisance of the fact that women journalists may be subject to specific sexual harassment and violence.**

Research for this question was not possible to complete in the timeframe of this project.

- iii. **They have a relevant communication strategy and make statements about killings of/attacks on journalists.**

CPJ publishes alerts in the event of attacks against or killings of journalists in Guatemala,²²⁷ as do IFEX,²²⁸ RSF,²²⁹ and Freedom House.²³⁰

- iv. **They publish information about safety of journalists and the issue of impunity, and make them available in the key national languages.**

While international actors do publish information about safety of journalists, this information is primarily online and in English, Spanish, and/or the organization's native language, but rarely – if ever - in indigenous Guatemalan languages. One example is ARTICULO 19's Security Guide for Visual Journalists (*Guía de Seguridad para Periodistas Visuales*), published in 2013.²³¹

²²⁷ Available at: <http://cpj.org/americas/guatemala/>.

²²⁸ Available at: <https://www.ifex.org/guatemala/es/>.

²²⁹ Available at: <http://en.rsf.org/guatemala.html>.

²³⁰ Available at: <https://freedomhouse.org/country/guatemala#.VGa8rZPF-ho>.

²³¹ Available at: http://coberturaderiesgo.articulo19.org/wp-content/uploads/2013/08/guia_seguridad_pv.pdf.

5.3. These international actors promote co-ordinated approaches to safety issues

i. They have focal points who communicate on a periodic basis

NGO's like IFEX, IFJ, CPJ, ARTICULO 19, Rory Peck Trust and RSF do report on Guatemala and the safety issues for journalists on a regular basis. At the same time, they do not necessarily have (professional) representatives in the country: for example, RSF reports from abroad, as does IFEX, which allies with CERIGUA as a national partner.

ii. They have joint, complementary and co-ordinated activity with the UN, and other non-UN actors including the State, in regard to journalists' safety issues.

Research for this question was not possible to complete in the timeframe of this project.

iii. They contribute to the formulation of national strategies.

Research was not possible for this indicator within the timeframe of this project. However, none of the national NGO's interviewed for this report mentioned any involvement of international NGO's regarding national projects on the protection of journalists.

iv. They include safety issues in their existing relations with journalists and other stakeholders (such as within the criminal justice system).

Research for this question was not possible to complete in the timeframe of this project.

v. They have, or fundraise for, specific budgets for their safety activities.

Although international organizations contribute to monitoring and activities related to the topic of safety, research on their fundraising activities for safety purposes was not possible within the timeframe of this project. HIVOS is one organization that does budget for specific programs that include journalist safety trainings that include Guatemala,²³² as do member states of the EU through their development programs.

The San Salvador-based *Centro Regional de Entrenamiento de Seguridad para Periodistas*, housed in the Universidad Centro Americana José Simeón Cañas (UCA), received USD \$1 million from the U.S. State Department in collaboration with IREX and Global Security for the installation of its journalist safety training program, which is targeted specifically toward Guatemalan, Honduran,

²³² XML data available on HIVOS activities at: <http://www.hivos.nl/open/iati-activities.xml>.

and el Salvadoran journalists. See also (7.3.i).

- vi. They operate or participate in a joint rapid response mechanism at the national level and/or international level/s.**

While this was not a question specifically addressed within the timeframe of this project, no such mechanism, national or international, was detected during this research.

5.4. The international actors within the country build knowledge and capacity

- i. These actors disseminate knowledge of relevant good practices and encourage local adaptation.**

Research for this question was not possible to complete in the timeframe of this project.

- ii. These actors provide advice and capacity building to stakeholders on issues such as: the treatment of journalists; investigation of crimes against journalists; and prosecution and protection measures.**

Research for this question was not possible to complete in the timeframe of this project.

- iii. These actors provide safety training to journalists such as on reporting in conflict zones, legal rights, self-protection techniques, first aid, etc. and assist with provision of safety equipment.**

International initiatives like the Rory Peck Trust or S.A.F.E. provide journalists with safety trainings in addition to individual support;²³³ they do not necessarily operate in Guatemala though, which means that it is the journalists' task to find them. HablaCentro is another NGO offering this kind of training.

²³³ Available at: <https://rorypecktrust.org/> and <http://www.irex.org/project/safe-securing-access-free-expression>.

6. The roles and response of the State and other political actors

1. State has laws which can protect journalists

- i. **With relevance to armed conflict situations, the State is a signatory to the Geneva Conventions and additional protocols, and human rights instruments such as the International Covenant on Civil and Political Rights, the UN Convention against Torture, the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the Rome Statute of the International Criminal Court.**

Guatemala has been a signatory to the Geneva Convention Relative to The Treatment of Prisoners Of War since 1952.²³⁴ In 2007, the State eliminated the reservations made in 1983 to the Convention on the Status of Refugees and to its Protocol.²³⁵ Previously, these reservations had allowed the State not to apply provisions of the Convention and the Protocol to the Convention if they conflicted with constitutional or domestic law. They had also affected the scope of the term “most favorable treatment possible” contained in the Convention and its Protocol.²³⁶

- ii. **With further relevance to armed conflict situations, the State and all its controlled agents (including, where applicable, paramilitary, contractors, mercenaries) recognise journalists as civilians in accordance with Geneva Convention and additional protocols.**

This indicator does not apply to the current political situation in Guatemala.

- iii. **The State’s laws do not include sweeping or arbitrary provisions on treason, terrorism, state security or insult/ defamation offences etc. that are susceptible to misuse for the purpose of intimidating or prosecuting journalists.**

Article 28 of the Law on Expression of Thought (*Ley de Emisión del Pensamiento*) criminalizes print publications considered to imply treason, to have a “seditious character,” to damage

²³⁴Available at:

http://www.minex.gob.gt/pBase.aspx?ID=/MAYT/MAYT_TRATADO_ACUERDO/MAYT_TRATADO_ACUERDO_VIGENTEWebReport.aspx.

²³⁵ Available at: Ibid.

²³⁶ Available at: Ministerio de Relaciones Exteriores. ACUERDO GUBERNATIVO N° 106-2007. Available at: <http://www.refworld.org/pdfid/4fffffd2.pdf>

morals, to be “disrespectful” of private life, or to contain slander or libel.²³⁷

The penal code includes the crime of defamation, including the publication of material that “can provoke hatred or discredit, or that undermine the honor, dignity or reputation of the offended” and mandates prison sentences of two to five years.²³⁸

Recently, the Court of Constitutionality ruled that criticism of the performance of a public function is constitutionally exempt from criminal liability, a decision that was welcomed by the IACHR.²³⁹

The Law on Broadcasting (*Ley de Radiodifusión*) mandates that the General Broadcasting Directorate (*Dirección General de Radiodifusión*) ensure that radio and television refrain from broadcasting content “contrary to order, the homeland and public morals” and mandates fines up to \$125.²⁴⁰

The Law of Public Order (*Ley de Orden Público*) states that if the government has declared a state of emergency, media must “refrain from publishing anything that might cause confusion or panic or aggravate the situation.”²⁴¹

In a case that was sparked by a Twitter comment encouraging the public to divest from the state-owned bank, Banrural, in order to “bankrupt the bank of the corrupt,” the author was detained and fined \$6,500 under a law that criminalizes “inciting financial panic.”²⁴² In December 2009, the Supreme Court of Justice (*Corte Suprema de Justicia*), however, ruled that the accused, Jean Ramses Anleu, had not committed the crime of inciting financial panic.

²³⁷ Decree 9, Ley de Emisión del Pensamiento [Law on the Expression of Thought], Congress of the Republic of Guatemala. Available at:

<http://www.oj.gob.gt/es/QueEsOJ/EstructuraOJ/UnidadesAdministrativas/CentroAnalisisDocumentacionJudicial/cds/CDs%20leyes/2006/pdfs/normativa/D009.pdf>.

²³⁸ Decree 17-73. Código Penal. Article 164, 165 and 166, Available at:

http://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/GTM_codigo_penal.pdf.

²³⁹ Office of the Special Rapporteur for Freedom of Expression, Inter-American Commission on Human Rights, National Jurisprudence on Freedom of Expression and Access to Information, document OEA/Ser.L/V/II.147, CIDH/RELE/INF.10/13. Available at:

www.oas.org/en/iachr/expression/docs/publications/2013%2005%2020%20NATIONAL%20JURISPRUDENCE.

²⁴⁰ Ley de radiocomunicaciones, articles 5, 7, 10, 13, 18, 22, 25, 32,41, 43, 96 y 101. Available at:

[http://www.palermo.edu/cele/pdf/Regulaciones/GuatemalaLeRadio1996\).pdf](http://www.palermo.edu/cele/pdf/Regulaciones/GuatemalaLeRadio1996).pdf).

²⁴¹ Decree 7. Ley de Orden Público. Article 35 Available at:

<http://www.oj.gob.gt/es/QueEsOJ/EstructuraOJ/UnidadesAdministrativas/CentroAnalisisDocumentacionJudicial/cds/CDs%20leyes/2006/pdfs/normativa/D007.pdf>.

²⁴² “Guatemala police arrest Twitter user for ‘inciting financial panic’”, *The Guardian*, 15 May 2009. Available at:

<http://www.theguardian.com/world/2009/may/15/guatemala-twitter-jean-anleu-fernandez>; “CSJ: No hubo pánico financiero en el Caso Twittero”, *La Hora*, 29 December 2009. Available at:

<http://www.lahora.com.gt/index.php/nacional/guatemala/actualidad/121969-csj-no-hubo-panico-financiero-en-el-caso-twittero>.

The latest reform of the General Law of Telecommunications (*Ley General de Telecomunicaciones*), which allows for automatic renewal of spectrum licenses for radio and television frequencies, was criticized for its restrictive effects on community media in particular.²⁴³ By May 2012, two radio stations and six local television stations had been closed, rendered illegal by the absence of legislation granting them operating licenses.²⁴⁴ Reportedly, this reform has also left community media workers vulnerable to prosecution.²⁴⁵

iv. The State's laws and policies on safety of journalists cover online as well as offline, and do not exclude community media or citizen journalists.

The Journalists' Protection Plan, while not explicitly excluding specific groups of journalists, suggests that a university degree in Communication Science could be a requirement to define who is to be considered a journalist. As has been noted by some NGO's, when selecting the representatives of 'journalist associations' to be involved in the plan's further development, an important step will be to ensure inclusion and participation of the widest possible range of stakeholders, including community media, alternative media, religious media etc.

v. Attacks on the safety of journalists (including community media and citizen journalists) are recognized by the State as a breach of human rights law and the criminal law, and in the case of armed conflicts, humanitarian law.

In 2001, the Special Prosecution Unit for Crimes against Journalists was established within the Human Rights Section Office of the Prosecutor (*Fiscalía de Sección de Derechos Humanos*).²⁴⁶ In addition, the government's proposal for a Journalists' Protection Plan contains several references to relevant human rights treaties.

²⁴³ Tania Lara, "Community radio stations say new communications law in Guatemala tunes them out," Knight Center for Journalism in the Americas, December 5, 2011. Available at: <https://knightcenter.utexas.edu/blog/community-radio-stations-say-new-communications-law-guatemala-tunes-them-out>.

²⁴⁴ Tania Lara, "Two community radio stations, six local TV channels shut down in Guatemala," Knight Center for Journalism in the Americas, May 11, 2012. Available at: <https://knightcenter.utexas.edu/blog/00-10089-two-community-radio-stations-six-local-tv-channels-shut-down-guatemala>.

²⁴⁵ Cerigua (09 May 2012) „Ausencia de legislación para radios comunitarias avala persecución de las emisoras“.

Available at: http://cerigua.org/1520/index.php?option=com_content&view=article&id=8205:ausencia-de-legislacion-para-radios-comunitarias-avala-persecucion-de-las-emisoras-&catid=48:libertad-de-expresion&Itemid=10.

²⁴⁶ Agreement 14-2001 of the Public Ministry (4 June 2001). Agreement 03-2005 (30 November 2005). Agreement 37-2010 (6 September 2010).

- vi. Where appropriate, there is legislation that sets out special/higher penalties for crimes against freedom of expression and/or crimes against journalists.**

According to the former Special Prosecutor Elmer Yat, there are no specialized legal provisions on attacks against journalists, and existing laws carry relatively low sanctions: for example, in case of threats, sentences range between six months and three years, meaning that those found guilty will not be imprisoned since this only happens when the sentence exceeds five years.²⁴⁷ It is generally not so much the lack or inadequacy of formal legislation that is identified as the major challenge for journalists' safety and impunity, but rather its implementation and institutionalization.²⁴⁸

2. There are appropriate normative statements, policies, and institutional frameworks that safeguard the importance of journalist's safety.

- i. The State is well informed on the subject through adequate mechanisms (institutions, programmes and budgets) being in place for monitoring and reporting on threats, harassment and violence towards journalists – including arbitrary arrest, torture, threats to life and killing.**

There are a number of state institutions that are dealing with the subject - either exclusively or as part of their mandates - and have independently formulated proposals to address journalists' security.²⁴⁹ Victims can direct their complaints to the Human Rights Ombudsman and/or the Office of the Public Prosecutor to start investigations, and also to the National Police. Request for precautionary measures can be brought directly to the IACHR, via the Human Rights Ombudsman, or another organization.

A recurring topic, mentioned by all other State actors interviewed, was the dispersion of functions and responsibilities when it comes to the protection of journalists between COPREDEH, the Office of the Public Prosecutor - specifically the Special Prosecutor for Crimes Against Journalists - and the

²⁴⁷ Interview with Elmer Yat, former Special Prosecutor for Crimes Against Journalists (*Unidad Fiscal de Delitos contra Periodistas*), Guatemala City, 26 November 2013; Sala de redacción (17 October 2013). El fiscal que comenza lograr sentencias. Available at: <http://saladeredaccion.com/revista/2013/10/el-fiscal-que-comenzo-a-lograr-sentencias/>.

²⁴⁸ Concerning recent domestic case law on the de-criminalization of 'desacato' (where the Court of Constitutionality of Guatemala ruled that criticism of the performance of a public function is constitutionally exempt from criminal liability) see Office of the Special Rapporteur for Freedom of Expression, Inter-American Commission on Human Rights, National Jurisprudence on Freedom of Expression and Access to Information, document OEA/Ser.L/V/II.147, CIDH/RELE/INF.10/13. Available at: www.oas.org/en/iachr/expression/docs/publications/2013%2005%2020%20NATIONAL%20JURISPRUDENCE%20N%20FREEDOM%20OF%20EXPRESSION.pdf.

²⁴⁹ Interview with Hugo Martínez and María de los Ángeles Zambrano, representatives of the Presidential Human Rights Commission (*Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos*, or COPREDEH), Guatemala City, 25 November 2013.. A copy of the internal draft proposal of the commission was kindly provided for this study.

Human Rights Ombudsman, making it difficult to work in a coordinated fashion.

Journalists have to personally file their complaints to the Special Prosecutor, which seriously limits access for those living outside the capital, Guatemala City, where the State institutions are housed. In the former Special Prosecutor's view, in addition to a lack of trust in the authorities, this requirement may also explain why the Special Prosecution Unit received most of its complaints from the capital, despite the fact that the increase in aggressions has been registered primarily in the rest of the country.²⁵⁰ No active outreach of the Unit, whose human and financial resources are limited, is being considered at the time of this report.²⁵¹

While the Special Prosecution Unit has been cooperating with UDEFEGUA to establish a unified registry of cases,²⁵² the former Special Prosecutor agreed with most other actors interviewed that one of the most important measures needed to ensure an effective response to threats against journalists is improving communication between competent State authorities, such as the Human Rights Ombudsman and the National Police, and the Special Prosecution Unit, in order to clarify the appropriate procedure to journalists and prevent complaints merely being filed away without due follow-up.²⁵³

During 2013, MINGOB launched its own activities in the area, making efforts to reduce bureaucratic obstacles for journalists when presenting complaints.²⁵⁴ Particularly, MINGOB coordinates the Analysis Authority of Attacks Against Human Rights Defenders ("Analysis Authority"), which includes members of COPREDEH, the Human Rights Section of the Office of the Public Prosecutor, OHCHR, and members of civil society.²⁵⁵

MINGOB points out that a culture of filing complaints among journalists should be significantly improved.²⁵⁶ Other actors agree, highlighting that many complaints reported through social

²⁵⁰ Sala de redacción (17 October 2013). El fiscal que comenza lograr sentencias. Available at: <http://saladeredaccion.com/revista/2013/10/el-fiscal-que-comenzo-a-lograr-sentencias/>.

²⁵¹ Interview with Elmer Yat, former Special Prosecutor for Crimes Against Journalists (*Unidad Fiscal de Delitos contra Periodistas*), Guatemala City, 26 November 2013.

²⁵² Centro Civitas (n.d.). Proyecto. Sistema de alerta temprana para la prevención y respuesta de emergencia ante agresiones a periodistas (SATRE).

²⁵³ Interview with Elmer Yat, former Special Prosecutor for Crimes Against Journalists (*Unidad Fiscal de Delitos contra Periodistas*), Guatemala City, 26 November 2013.

²⁵⁴ Interview with representatives from the Ministry of the Interior (*Ministro de Gobernación*), Guatemala City, 26 November 2013.

²⁵⁵ IFEX-ALC/Cerigua. Annual Report on Impunity 2013. Guatemala. Update on the national context. Available at: <http://ifex.org/alc/es/impunidad2013/2013/en/pdf/guatemala.pdf>.

²⁵⁶ Interview with representatives from the Ministry of the Interior (*Ministro de Gobernación*), Guatemala City, 26 November 2013.

network sites never reach official entities, suggesting underreporting.²⁵⁷

There is no unified system to collect and combine all complaints made by journalists among the different State institutions,²⁵⁸ and not all complaints are forwarded to the Special Prosecutor.²⁵⁹ There are a number of different avenues for journalists' complaints to enter the system, but no coherent monitoring mechanism exists, resulting in a lack of comprehensive statistics or coordinated assessment of the situation that could reliably inform State action.

The State's proposed Journalists' Protection Plan recognizes the need to harmonize statistics on violence against journalists, but it does not mention the Special Prosecution Unit for Crimes against Journalists among the existing mechanisms.

ii. The State has specific policies to support the protection of journalists, offline and online, and the implementation is assured of sufficient resources and expertise.

By 2013, the State had, for about two years, expressed willingness to become the third country in Latin America, after Colombia and Mexico, to adopt a national protection mechanism for journalists.

On November 28th, 2013 President Pérez Molina officially announced the government's commitment to implement a national Journalists' Protection Plan.²⁶⁰ Presidential Press Secretary Francisco Cuevas detailed during a public event, the Plan would be implemented in three phases in a maximum of 60 days.

Convening the involved authorities is outlined as the first step (mentioned in the official press release are MINGOB, the SCRP, the Office of the Public Prosecutor, COPREDEH, the Human Rights Ombudsman and unspecified independent journalist organizations). However, the proposed one

²⁵⁷ Centro Civitas (n.d.). Proyecto. Sistema de alerta temprana para la prevención y respuesta de emergencia ante agresiones a periodistas (SATRE).

²⁵⁸ Interview with Hugo Martínez and María de los Ángeles Zambrano, representatives of the Presidential Human Rights Commission (*Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos*, or COPREDEH), Guatemala City, 25 November 2013. A copy of the internal draft proposal of the commission was kindly provided for this study.

²⁵⁹ Interview with Elmer Yat, former Special Prosecutor for Crimes Against Journalists (*Unidad Fiscal de Delitos contra Periodistas*), Guatemala City, 26 November 2013.

²⁶⁰ Gobierno de Guatemala (28 November 2013). Guatemala se suma a implementación de plan de protección de periodistas. Available at: <http://www.guatemala.gob.gt/index.php/2011-08-04-18-06-26/item/6406-guatemala-se-suma-a-implementación-de-plan-de-protección-de-periodistas>.

week timeframe for this meeting, in which the Executive Secretary coordinating the project was meant to be selected, had not been met at the time of this report.²⁶¹

Subsequent steps proposed through the Plan include setting up technical roundtables (*'mesas técnicas'*) at the departmental level to gather information as a basis for analysis as well as periodic follow-up meetings. Capacity building for journalists, concentrated in the most vulnerable sectors, is also envisioned.

While stakeholders have generally welcomed the announcement of the Journalists' Protection Plan,²⁶² several have raised issues concerning the lack of prior consultation with relevant civil society actors such as UDEFEGUA, CERIGUA and Centro Civitas and the transparency of the process, especially in light of already existing competing NGO's proposals, which were not involved in crafting the final Plan. Cooperation with civil society is an important factor in promoting journalists' trust in the State. This concern makes it essential to include capacity building efforts not only aimed at journalists, but also at civil servants and the population at large, to increase awareness and respect for freedom of expression and journalistic work.

Still outstanding, however, are the questions of how the Journalists' Protection Plan will be funded, and whether its implementation will be subject to monitoring.

iii. Government officials, law-enforcers, military officials, civil servants and representatives from the (independent) judiciary make clear statements recognising the safety of journalists and condemning attacks upon them.

Authorities linked with the Presidency of the Republic does state very clearly their commitment with the safety of journalists. However, this is not necessarily the case for other governmental officials (specially at the local level) and members of security forces, There is also contradictory statements issued by other senior governmental officials ²⁶³. Among journalists and civil society

²⁶¹ Ligia Flores, Miguel González Moraga y Evelyn Blanck, "Protección a periodistas, una propuesta por mejorar," *Sala de Redacción*, December 2013. Available at <http://saladeredaccion.com/revista/2013/12/proteccion-a-periodistas-una-propuesta-por-mejorar/>

²⁶² UNESCO (29 November 2013). Guatemala launches a proposed mechanism for the protection of journalists. Available at: <http://saladeredaccion.com/revista/2013/12/proteccion-a-periodistas-una-propuesta-por-mejorar/>. http://www.unesco.org/new/en/media-services/single-view/news/guatemala_launches_a_proposed_mechanism_for_the_protection_of_journalists/#.UqIghBYRB75.

²⁶³ Cerigua (28 November 2013). Autoridades y fuerzas de seguridad, principales agresores a la prensa. Available at: http://cerigua.org/1520/index.php?option=com_content&view=article&id.=16592:autoridades-y-fuerzas-de-seguridad-principales-agresores-a-la-prensa&catid=48:libertad-de-expresion&Itemid=10. Cerigua (29 November 2013). Resumen Ejecutivo. Estado de Situacion de la Libertad de Expresion en Guatemala durante el 2013. Available at: <http://www.youblisher.com/p/766313-ESTADO-DE-SITUACION-DE-LA-LIBERTAD-DE-EXPRESION-EN-GUATEMALA-DURANTE-EL-2013/>.

actors, there exists a climate of mistrust toward State actors and of lack of confidence in the State's ability to follow through on its commitment to change.

In August 2013, Interior Minister Mauricio López Bonilla stated that no concrete evidence had been found that would suggest that the killings of four journalists in 2013 were connected to the exercise of their profession, claiming instead that their deaths were attributable to their "personal situation."²⁶⁴ UN Special Rapporteur Frank La Rue condemned those statements.²⁶⁵

iv. State has indicated commitments and support for journalists' safety in international fora.

During the 2012 Universal Periodic Review of Guatemala, Antonio Arenales Forno, Peace Secretary, recognized journalists as one of the most vulnerable groups and articulated the State's willingness to implement a national plan for the protection of journalists from threats to their physical integrity.²⁶⁶

On the other hand, in April 2013, President Pérez Molina withheld his signature from the Declaration of Chapultepec after initially having demonstrated interest in signing it.²⁶⁷ The Declaration is based on the idea that "no law or act of government may limit freedom of expression or of the press, whatever the medium" and contains normative statements about journalists' safety and free speech.²⁶⁸ It was drafted by private citizens without government involvement and adopted in 1994 at the Hemispheric Conference on Free Speech, sponsored by IAPA, the organization that is also responsible for leading "a country-by-country effort to bring national legislation into line with the Declaration's principles."²⁶⁹ Since its inception, heads of state from 24 countries have signed the Declaration, including President Pérez Molina's predecessor, former President Álvaro Colom.²⁷⁰

"El fiscal que comenza lograr sentencias", *Sala de redacción*, 17 October 2013. Available at: <http://saladeredaccion.com/revista/2013/10/el-fiscal-que-comenzo-a-lograr-sentencias/>.

²⁶⁴ "Periodista muere baleado en Suchitepéquez", *Prensa Libre*, 20 August 2013. Available at: http://www.prensalibre.com/suchitepequez/Periodista-muere-baleado-Suchi_0_977902249.html.

²⁶⁵ Knight Center for Journalism in the Americas (22 August 2013). New period of violence against the press begins in Guatemala, UN rapporteur says. Available at: <https://knightcenter.utexas.edu/blog/00-14323-new-period-violence-against-press-begins-guatemala-un-rapporteur-says>.

²⁶⁶ Cerigua (May 2013). Necesario implementar un Programa de Protección a Periodistas. p. 2. Available at: <http://www.youblisher.com/p/620535-Necesario-implementar-un-Programa-de-Proteccion-a-Periodistas/>.

²⁶⁷ SIP/IAPA (2013, October). "Guatemala." 2013 - Asamblea General – Denver, Estados Unidos. Available at: <http://www.sipiapa.org/asamblea/guatemala-141/?i=1>.

²⁶⁸ Available at: <http://www.oas.org/en/iachr/expression/showarticle.asp?artID=60>.

²⁶⁹ Available from: <http://www.sipiapa.org/en/chapultepec/project/>

²⁷⁰ Available at: http://www.prensalibre.com/edicion_impresa/PDF_02042008_PREFIL20091204_0019.pdf.

- v. Public statements by politicians, military and security commanders recognise the importance of journalism, especially during election periods or times of conflict.**

Research for this question was not possible to complete in the timeframe of this project.

- vi. Guidelines are issued to military and police prohibiting harassment, intimidation or physical attacks on journalists; effective channels of communication exist between journalists' organisations and security forces concerning coverage of street protests, public events, etc.**

Research for this question was not possible to complete in the timeframe of this project.

- vii. The State enables the work of NGO's on safety issues and cooperates with them in appropriate ways.**

Concerning the Journalists' Protection Plan, the State received two different proposals from NGO's CERIGUA and Centro Civitas. State interviewees have acknowledged this and mentioned that its intention has since been to find a middle ground between them.²⁷¹ However, other relevant State actors interviewed did not seem to be aware of the details of both proposals. Also, during the four days directly preceding the announcement of the Journalists' Protection Plan, none of civil society actors interviewed were aware of the ongoing process of finalizing the draft, nor were they aware of plans for, or content of, the official announcement.

- viii. The State recognises that women journalists may be particularly at risk from sexual harassment and violence, and adopts appropriate measures to ensure safety on an equal basis between women and men.**

No specific measures have been taken in this regard. In the proposed Journalists' Protection Plan, no specialized consideration is given to attacks on women journalists or other vulnerable groups such as indigenous communicators or those advocating for LGBT rights.²⁷²

- ix. The State refrains from endorsing or promoting threats to journalists including through judiciary, police, fiscal, administrative, military and intelligence systems.**

No official endorsement of threats against journalists from State actors has been detected.

²⁷¹ Interview with representatives from the Ministry of the Interior (*Ministro de Gobernación*), Guatemala City, 26 November 2013.

²⁷² Gobierno de Guatemala, Secretaria de Comunicacion Social de la Presidencia (28 November 2013). Propuesta de programa de Proteccion al Periodista.

3. Criminal and civil justice system deals effectively with threats and acts of violence against journalists

- i. The State has specific institutions/units dedicated to investigations, prosecutions, protection and compensation in regard to ensuring the safety of journalists and the issue of impunity.**

There are several institutions that deal with these issues: COPREDEH follows up on cases that have been granted precautionary measures by the IACHR, or provisional measures by the Inter-American Court.²⁷³ It does not directly receive complaints. In 2004, COPREDEH launched the Coordinating Unit for the Protection of Human Rights Defenders, Administrators and Operators of Justice, Journalists and Social Communicators. The Coordinating Unit, which has since been raised to the status of Directorate, has a view toward “coordinating the executive branch institutions in charge of granting and implementing protective measures for individuals who request precautionary, provisional and security measures before the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, the Rapporteurs of the Universal System [...], or national mechanisms” in order to “guarantee effective compliance.”²⁷⁴

COPREDEH is also a relevant stakeholder given its coordinating role between the President, members of the judiciary, and the Human Rights Ombudsman, for which the commission was created.²⁷⁵ It is also involved in the Analysis Authority, coordinated by MINGOB.

Human Rights Ombudsman: Elected by Congress, the Human Rights Ombudsman can receive complaints and formulate resolutions²⁷⁶ but has no power to take legally binding decisions. It has the capacity to present complaints to the public prosecutor in case of evidence of criminal activities. It can also ask MINGOB for protection measures, present petitions (*amparos*) in the name of complainants, and call on the IACHR for precautionary measures.

²⁷³ Cerigua (2012). Herramientas de Protección para Periodistas y Comunicadores. Available at: <http://www.youblisher.com/p/611338-HERRAMIENTAS-DE-PROTECCION-PARA-PERIODISTAS-Y-COMUNICADORES/>.

²⁷⁴ Inter-American Commission on Human Rights, Special Rapporteur for Freedom of Expression, Annual Report December 2013, Volume II, p.415 (145) Catalina Botero Special Rapporteur for Freedom of Expression, Organization of American States (OAS). Available at http://www.oas.org/en/iachr/expression/docs/reports/2014_04_22_%20IA_2013_ENG%20_FINALweb.pdf.

²⁷⁵ Creada por Acuerdo Gubernativo número 486-91 del 12 de julio de 1991. Modificado por el Artículo 1º. de Acuerdo Gubernativo número 549-91 del 16 de agosto de 1991.

²⁷⁶ In 2012, the Ombudsman denounced right wing columnist Méndez Ruíz for ‘hate speech’ and systematically attacking human rights defenders. In response, Mr. Méndez Ruíz publicly called for Jorge de León Duque's dismissal from office, saying that in issuing the sanction, Duque was "violating the sacred constitutional right to the freedom of the expression of thought". Plaza Publica, “PDH sanciona a Méndez Ruiz por discurso ‘insidioso y agresivo’ y solicita investigación al MP” 27 August 2013. Available at: <http://www.plazapublica.com.gt/content/pdh-sanciona-mendez-ruiz-por-discurso-insidioso-y-agresivo-y-solicita-investigacion-al-mp>.

Special Prosecution Unit for Crimes against Journalists: The Unit was established in 2001 within the Human Rights Section (*Fiscalía de Sección de Derechos Humanos*) of the Office of the Prosecutor.²⁷⁷ One of the main concerns of the Unit, according to the former Special Prosecutor, had been ‘illegal’ community radio operating without license. It was split in 2011²⁷⁸ to create the Special Prosecution Unit, with the purpose of focusing exclusively on crimes against journalists with national jurisdiction. It has one Special Prosecutor (*fiscal especial*), two Assistant Prosecutors (*auxiliares*) and a Prosecution Officer (*oficial de fiscalía*). According to the State, the purpose of the Unit is to “give special treatment to crimes committed against journalists and to draw national attention to the existence of the Prosecution Unit for crimes against journalists, for purposes of implementing a direct procedure for the filing of complaints.” The Unit reportedly has jurisdiction to handle all crimes committed against journalists “in the practice of their journalistic work” anywhere in the country. The State further reported to the OAS Special Rapporteur that the Unit has protocols of action, which include monitoring the media to keep abreast of attacks against journalists; conducting evidence-gathering procedures, especially those that are time-sensitive; and making recommendations to journalists with respect to filing complaints of attacks and participating in the criminal proceedings.²⁷⁹

Elmer Yat held the position of Special Prosecutor from May 2012 until November 2013, when he stepped down and was subsequently replaced by Sandra González.

The Unit operates two phone numbers, reachable 24/7, and monitors on- and offline media for relevant incidents.²⁸⁰ Procedurally, upon learning of an offense, the Unit dispatches personnel to the site of the alleged crime to receive the complaint, processes the file; addresses the most urgent matters of investigative diligence such as securing the crime scene; documents witness testimony; gathers evidence; offers guidance to the investigators of the Criminal Investigation Division of the Office of the Public Prosecutor (*División de Investigaciones Criminalísticas*, DICRI) and the Specialized Criminal Investigation Division (*División Especializada de Investigación Criminal*, DEIC); and, if necessary, requests the national police to provide protection and refers the affected journalists to the National Institute of Forensic Sciences (*Instituto Nacional de Ciencias Forenses*, INACIF) to determine psychological or physical harm.

²⁷⁷ Agreement 14-2001 of the Public Ministry (4 June 2001). Agreement 03-2005 (30 November 2005). Agreement 37-2010 (6 September 2010).

²⁷⁸ Agreement 49-2011 (27 May 2011).

²⁷⁹ Inter-American Commission on Human Rights, Special Rapporteur for Freedom of Expression, Annual Report December 2013, Volume II, pp.435-6 (197) Catalina Botero Special Rapporteur for Freedom of Expression, Organization of American States (OAS). Available at

http://www.oas.org/en/iachr/expression/docs/reports/2014_04_22_%20IA_2013_ENG%20FINALweb.pdf.

²⁸⁰ Interview with Elmer Yat, former Special Prosecutor for Crimes Against Journalists (*Unidad Fiscal de Delitos contra Periodistas*), Guatemala City, 26 November 2013.

The State's proposed Journalists' Protection Plan envisions the creation of a Committee for the Protection of Journalists (*Comité de Protección al Periodista*). According to the OAS Special Rapporteur's 2013 Annual Report, the Plan has a structure for coordination among MINGOB, SCSPR, the Office of the Public Prosecutor, COPREDEH, the Office of the Human Rights Ombudsman, and organizations of journalists, which will be headed SCSPR.²⁸¹ The OAS Special Rapporteur also received communication from the State that proposed "general provisions on the organization of the [Journalists' Protection Plan], the bodies it would include, the process for requesting protection, the protection measures that could be taken, and ways of funding the program."²⁸² MINGOB has announced the creation of a Directorate of Human Rights (*Dirección de Derechos Humanos*) that will be in charge of receiving complaints.²⁸³

ii. The State establishes specialist units that can deal appropriately with attacks on women, including women journalists.

A Unit for Women and Gender Analysis (*Unidad de la Mujer y Análisis de Género*) exists Under the Judicial Organism (*Organismo Judicial*, OJ) is charged with coordinating, assessment and orientation to issues related to gender and the human rights of women with the object of incorporating these into policies, plans, and institutional development strategies of the OJ, in addition to carrying out analysis and dissemination of judicial statistics disaggregated by gender.²⁸⁴

iii. Budgets of state agencies are transparent and provide adequate resources to cover investigations into threats and acts of violence against journalists.

Limitations in resources are cited by many State actors as obstacles to the effective investigation of complaints filed by journalists. The Special Prosecution Unit for Crimes against Journalists' capacity to act is limited by time, financial, and material constraints; it has only one vehicle and its staff lacks specialized training.²⁸⁵

²⁸¹ Inter-American Commission on Human Rights, Special Rapporteur for Freedom of Expression, Annual Report December 2013, Volume II, p.199 (445) Catalina Botero Special Rapporteur for Freedom of Expression, Organization of American States (OAS). Available at http://www.oas.org/en/iachr/expression/docs/reports/2014_04_22_%20IA_2013_ENG%20FINALweb.pdf

²⁸² Inter-American Commission on Human Rights, Special Rapporteur for Freedom of Expression, Annual Report December 2013, Volume II, p.199 (445) Catalina Botero Special Rapporteur for Freedom of Expression, Organization of American States (OAS). Available at http://www.oas.org/en/iachr/expression/docs/reports/2014_04_22_%20IA_2013_ENG%20FINALweb.pdf

²⁸³ "Plan protegerá a periodistas", *El Quetzalteco*, 29 November 2013. Available at: <http://elquetzalteco.com.gt/quetzaltenango/plan-protger-periodistas>.

²⁸⁴ Available at: <http://www.copredeh.gob.gt/media/File/2012/epu/EPU%20oficial.pdf>.

²⁸⁵ "El fiscal que comenza lograr sentencias", *Sala de redacción*, 17 October 2013. Available at: <http://saladeredaccion.com/revista/2013/10/el-fiscal-que-comenzo-a-lograr-sentencias/>. Cerigua (25 October 2013). La importancia de la denuncia: Armino Reyes. Available at:

The availability of police investigators, experts, and adequate security for the Special Prosecutor during field visits, is also limited,²⁸⁶ as are travel funds. The Special Prosecution Unit has made up with these problems by, for example, asking friendly academics to produce expert reports without remuneration, which it then uses as evidence. Such efforts entirely depend on the commitment of the prosecutor.²⁸⁷ The COPREDEH has also a small staff of 7.²⁸⁸

iv. Protection measures are provided to journalists when required in response to credible threats to their physical safety.

According to the OAS Special Rapporteur's 2013 report, the State reportedly provides protective measures to at-risk journalists through the Coordinating Unit for the Protection of Human Rights Defenders, Administrators and Operators of Justice, Journalists and Social Communicators ("Coordinating Unit"), coordinated by COPREDEH. However, the State indicated to the OAS Special Rapporteur that 99% of requests for protection received are directed toward international mechanisms, with only 1% of requests brought under domestic programs.²⁸⁹ In correspondence to the Permanent Mission of Guatemala to the OAS in March 2013, COPREDEH indicated that it "has been needed 'for the protection of journalists in 48 cases,'" of which "83% were in response to calls from the Rapporteurs of the United Nation system and 16% to precautionary or provisional measures granted by the Inter-American System;" in only one case was there a request for protection under Guatemala's system.²⁹⁰ According to information provided by COPREDEH to the University for Peace, between 2004 and 2012, approximately 35 journalists were thus protected. As of December 2013, COPREDEH reported a total of 820 individuals under protective measures, 10 of whom are journalists. About 1,500 protection personnel are currently active to implement those measures.²⁹¹

http://cerigua.org/1520/index.php?option=com_content&view=article&id=16073:la-importancia-de-la-denuncia-armindo-reyes&catid=48:libertad-de-expresion&Itemid=10.

²⁸⁶ „El fiscal que comenza lograr sentencias“, *Sala de redacción*, 17 October 2013. Available at:

<http://saladeredaccion.com/revista/2013/10/el-fiscal-que-comenzo-a-lograr-sentencias/>

²⁸⁷ Interview with Elmer Yat, former Special Prosecutor for Crimes Against Journalists (*Unidad Fiscal de Delitos contra Periodistas*), Guatemala City, 26 November 2013.

²⁸⁸ IFEX-ALC/Cerigua. Annual Report on Impunity 2013. Guatemala. Update on the national context. Available at:

<http://ifex.org/alc/es/impunidad2013/2013/en/pdf/guatemala.pdf>.

²⁸⁹ Inter-American Commission on Human Rights, Special Rapporteur for Freedom of Expression, Annual Report December 2013, Volume II, p.416 (149) Catalina Botero Special Rapporteur for Freedom of Expression, Organization of American States (OAS). Available at

http://www.oas.org/en/iachr/expression/docs/reports/2014_04_22_%20IA_2013_ENG%20FINALweb.pdf.

²⁹⁰ Inter-American Commission on Human Rights, Special Rapporteur for Freedom of Expression, Annual Report December 2013, Volume II, p.415 (146) Catalina Botero Special Rapporteur for Freedom of Expression, Organization of American States (OAS). Available at

http://www.oas.org/en/iachr/expression/docs/reports/2014_04_22_%20IA_2013_ENG%20FINALweb.pdf.

²⁹¹ Interview with Hugo Martínez and María de los Ángeles Zambrano, representatives of the Presidential Human Rights Commission (*Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos*, or

However, the State also noted that journalists infrequently adopted the protection offered: in 6% of the cases, journalists accepted personal protection or bodyguard services, while an additional 9% accepted perimeter protection. The overwhelming majority of at-risk journalists and social communicators - 76% - “did not feel any of the arrangements would be worthwhile.”²⁹²

Still, the State noted that “the high percentage of journalists who refuse any protection arrangements ‘continues to be a challenge for the State of Guatemala, and from there the need to create a protection program that allows for other security arrangements to be offered in accordance with and without limiting the activity or role petitioners play.’”²⁹³

Concerns about existing security measures’ interference with journalistic activities may account for at-risk journalists’ general unwillingness to seek out or adopt state protection. At the same time, some stakeholders indicate that procedural informality, inefficiency, and discretionary action create impediments to the State’s ability to provide effective protection to journalists. Civil society organizations point to a lack of standardized procedures and criteria to determine the degree and seriousness of risk once a complaint is filed.²⁹⁴ Communication between state actors responsible for the protection of at-risk journalists is said to be informal and often takes place on the basis of personal relationship rather than formally established procedure.²⁹⁵ There is no formal categorization of risk to prioritize cases;²⁹⁶ instead, it is through “political will,” rather than formal responsibility, that the Office of the Public Prosecutor respond to requests for precautionary measures.²⁹⁷

COPREDEH), Guatemala City, 25 November 2013. *Note:* In correspondence to the University for Peace received on 10 November 2013, COPREDEH has since clarified that, through a process of Request for Removal of Precautionary Measures before the Inter-American Commission on Human Rights (*Solicitud de Levantamiento de Medidas Cautelares ante la Comisión Interamericana de Derechos Humanos*), the agency reviewed protective measures active in 2013 and ultimately resolved and closed 32 cases active in 2013, 4 of which belonged to journalists. The agency continues to receive and respond to requests for protective measures for at-risk individuals and communities.

²⁹² Inter-American Commission on Human Rights, Special Rapporteur for Freedom of Expression, Annual Report December 2013, Volume II, p.415 (146) Catalina Botero Special Rapporteur for Freedom of Expression, Organization of American States (OAS). Available at

http://www.oas.org/en/iachr/expression/docs/reports/2014_04_22_%20IA_2013_ENG%20FINALweb.pdf.

²⁹³ Inter-American Commission on Human Rights, Special Rapporteur for Freedom of Expression, Annual Report December 2013, Volume II, p.415 (147) Catalina Botero Special Rapporteur for Freedom of Expression, Organization of American States (OAS). Available at

http://www.oas.org/en/iachr/expression/docs/reports/2014_04_22_%20IA_2013_ENG%20FINALweb.pdf.

²⁹⁴ Interview with Hugo Martínez and María de los Ángeles Zambrano, representatives of the Presidential Human Rights Commission (*Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos*, or COPREDEH), Guatemala City, 25 November 2013.

²⁹⁵ Jorge de Leon Duque, Human Rights Ombudsman (Procurador de Derechos Humanos), Guatemala City, 25 November 2013.

²⁹⁶ Interview with Hugo Martínez and María de los Ángeles Zambrano, representatives of the Presidential Human Rights Commission (*Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos*, or COPREDEH), Guatemala City, 25 November 2013.

²⁹⁷ Jorge de Leon Duque, Human Rights Ombudsman (Procurador de Derechos Humanos), Guatemala City, 25 November 2013. *Note:* the Ministry of the Interior coordinates the response of the Analysis Authority of attacks against

However, even if the Office of the Public Prosecutor requests protective measures for a journalist or media organization, there are reports that local police operate with discretion and even refuse to provide protective services.²⁹⁸ This is one of the reasons cited to explain why journalists prefer to address their requests directly to the IAHCR.²⁹⁹ The former Special Prosecutor complained that local police officials challenge the Prosecutor's requests for protection or deal with them according to their personal judgment.³⁰⁰ This high level of discretion on the part of the National Police – which appears linked to the lack of risk assessment standards – is considered one of the main obstacles to the Special Prosecution Unit's effectiveness when it comes to protecting journalists.³⁰¹

According to the former Special Prosecutor, risk assessment investigations may take from two to four weeks through this office. Once protection measures are decided, periodical risk evaluations are carried out every six months. He also points to the fact that personal protection makes journalists' life quite difficult, not only because they have to be followed everywhere by armed personnel and avoid public transportation, but because they are supposed to provide accommodation, food and transportation to their bodyguards.³⁰² Personalized and more flexible solutions are needed in the eyes of the former Special Prosecutor.³⁰³

While recognizing the will of the executive to address the problem of rising threats against journalists, the Human Rights Ombudsman complains about the slowness of the current route to request protection through his office, which he estimates to take between two and five days on average. To minimize delays, he directly contacts the Minister in those cases he feels are particularly urgent.³⁰⁴ The Office has also, in certain cases – albeit limited by available resources – sent delegates to visit journalists who have been threatened; this was the case of César Pérez Méndez, the director of a newspaper El Quetzalteco, who received death threats after the paper

human rights defenders (including journalists), which includes members of COPREDEH, the Human Rights Section of the Public Ministry, the Office of the High Commissioner for Human Rights, and members of civil society. The Public Ministry is responsible for receiving requests for precautionary measures and issuing protection.

²⁹⁸ Interview with Evelyn Blanck, Coordinator of *Centro Civitas* and journalist for *Sala de Redacción*, Skype, 12 November 2013.

²⁹⁹ Interview with representatives from the Ministry of the Interior (*Ministro de Gobernación*), Guatemala City, 26 November 2013.

³⁰⁰ Interview with Elmer Yat, former Special Prosecutor for Crimes Against Journalists (*Unidad Fiscal de Delitos contra Periodistas*), Guatemala City, 26 November 2013.

³⁰¹ „El fiscal que comenza lograr sentencias“, *Sala de redacción*, 17 October 2013. Available at: <http://saladeredaccion.com/revista/2013/10/el-fiscal-que-comenzo-a-lograr-sentencias/>.

³⁰² „El fiscal que comenza lograr sentencias“, *Sala de redacción*, 17 October 2013. Available at: <http://saladeredaccion.com/revista/2013/10/el-fiscal-que-comenzo-a-lograr-sentencias/>.

³⁰³ Interview with Elmer Yat, former Special Prosecutor for Crimes Against Journalists (*Unidad Fiscal de Delitos contra Periodistas*), Guatemala City, 26 November 2013.

³⁰⁴ Jorge de Leon Duque, Human Rights Ombudsman (Procurador de Derechos Humanos), Guatemala City, 25 November 2013.

started investigating corruption cases that involve local authorities in the city of Quetzaltenango.³⁰⁵ In addition, the Human Rights Ombudsman reports having assisted with seeking the help of ‘friendly nations’ in the event that threatened journalists have had to leave the country.³⁰⁶

The establishment of a permanent protection system and a more efficient, clear and effective protocol to address this is therefore seen as an important measure, so that institutional response to journalists’ safety issues takes place independently of the good will of individual civil servants. The proposed Journalists’ Protection Plan³⁰⁷ recognizes the need to improve coordination among state agencies, journalists associations, and media owners by creating a Committee for the Protection of Journalists (*Comité de Protección al Periodista*).

v. Investigations of crimes against journalists, including intimidation and threats, are investigated promptly, independently and efficiently.

Of particular concern to national and international stakeholders in 2013 were the 4 journalist killings recorded by the Special Prosecutor for Crimes Against Journalists. As of December 2013, all cases were still under investigation. However, in a communication of December 24, 2013, the State of Guatemala informed the OAS Office of the Special Rapporteur that several investigative activities were underway, including: “documentation of the crime scenes with photograph and planimetry; collection of evidence in the places where the killings were committed to proceed to take the expert evidence such as ballistics, ballistic trajectory, fingerprints, statements of possible witnesses, work colleagues, the journalist’s family members; collection and analysis of phone calls; travelling along the routes and surveillance for field investigation by investigators of the Bureau of Criminalistic Investigations and of the Specialized Division in Criminal Investigation of the National Forensic Science Institute; information on institutions such as the General Bureau of Arms and Munitions Control, Superintendency of Tax Administration, Supreme Electoral Tribunal, Center for Compilation, Analysis and Dissemination of Criminal Information of the National Civilian Police, and banking institutions, among others, that has made it possible to draw lines of investigation. In addition, information has been gathered on other cases and events that have occurred in the journalist sector for the purpose of obtaining information from other witnesses, similarities in the

³⁰⁵ Knight Center for Journalism in the Americas (28 November 2013). Guatemalan newspaper director receives death threats after investigating local corruption. Available at: <https://knightcenter.utexas.edu/blog/00-14829-guatemalan-newspaper-director-receives-death-threats-after-investigating-local-corrupt>.

³⁰⁶ Jorge de Leon Duque, Human Rights Ombudsman (Procurador de Derechos Humanos), Guatemala City, 25 November 2013.

³⁰⁷ Gobierno de Guatemala, Secretaria de Comunicacion Social de la Presidencia (28 November 2013). Propuesta de programa de Proteccion al Periodista.

facts and means for their scientific analysis, checking of evidence; the four assassinations that are in the investigative phase.”³⁰⁸

Since the establishment of the Special Prosecution Unit for Crimes Against Journalists in 2001, with the exception of the case of Ruben Zamora in 2003, none of the cases concerning crimes against journalists had ended in a sentence until former Special Prosecutor Elmer Yat assumed his position in March 2012, which he attributes to a lack of investigation of journalists' cases, which were “merely archived.”³⁰⁹ Since then, six sentences have been handed down, a success the former Special Prosecutor attributes to personal commitment as well as a change in the judicial system to allow one, rather than three judges, to rule on less serious cases.³¹⁰

A case that garnered visibility in national media was the sentence against former Minister of Culture, Jerónimo Lancerio, who admitted having threatened journalist Sofía Menchú.³¹¹ The Special Prosecutor reports that many other cases have been resolved by means of conciliation or plea bargain (*principio de oportunidad*); it is noted that threats or coercion are considered misdemeanors and, as such, are amenable to conciliation under domestic law.³¹²

In 2013, two sentences were announced by the Special Prosecution Unit, but there are complaints that in most cases, the Office of the Public Prosecutor does not provide information about ongoing investigations.³¹³

In many cases - particularly in small communities - journalists fear to testify against suspected attackers, especially if they have to live alongside the very individuals they are denouncing. As such, it can be difficult to gather evidence for effective prosecution.³¹⁴ Risk for journalists testifying against their alleged attackers is higher in cases where those targeting journalists are local officials. In Guatemala, the Law to Protect People Involved in Legal Proceedings and Individuals Connected

³⁰⁸ Inter-American Commission on Human Rights, Special Rapporteur for Freedom of Expression, Annual Report December 2013, Volume II, p.202 (452) Catalina Botero Special Rapporteur for Freedom of Expression, Organization of American States (OAS). Available at http://www.oas.org/en/iachr/expression/docs/reports/2014_04_22_%20IA_2013_ENG%20_FINALweb.pdf.

³⁰⁹ Interview with Elmer Yat, former Special Prosecutor for Crimes Against Journalists (*Unidad Fiscal de Delitos contra Periodistas*), Guatemala City, 26 November 2013.

³¹⁰ Interview with Elmer Yat, former Special Prosecutor for Crimes Against Journalists (*Unidad Fiscal de Delitos contra Periodistas*), Guatemala City, 26 November 2013.

³¹¹ “Agresiones a periodistas, ¿y los medios?”, *Sala de redacción*, 12 July 2013. Available at: <http://saladeredaccion.com/revista/2013/07/agresiones-a-periodistas-y-los-medios/>.

³¹² Interview with Elmer Yat, former Special Prosecutor for Crimes Against Journalists (*Unidad Fiscal de Delitos contra Periodistas*), Guatemala City, 26 November 2013.

³¹³ “Periodistas de duelo”, *Prensa Libre*, 27 November 2013. Available at: http://www.prensalibre.com/opinion/Periodistas-duelo_0_1037296274.html.

³¹⁴ Cerigua (31 October 2013). Amenazas y coacciones resaltan entre agresiones contra la prensa. Available at: http://cerigua.org/1520/index.php?option=com_content&view=article&id=16196.

to the Administration of Criminal Justice (*Ley para la Protección de Sujetos Procesales y Personas Vinculadas a la Administración de Justicia Penal*), which operates under Decree 70-96 of the Congress of the Republic and is set up within the Office of the Public Prosecutor, covers journalists and all individuals exposed to risks as a result of their participation in criminal proceedings.³¹⁵ As of the time of this report, measures to address the specific challenges faced by journalists in rural communities had not been explicitly outlined in the Plan for Journalists' Protection.

- vi. Where there is violence or threats against a journalist, due account is given by the authorities to any evidence showing linkage to the journalist's professional activities.**

In 2013, State authorities were cautious to link violence or threats against journalists to their professional activities, especially in cases where journalists were killed, despite inconclusive evidence. Responses were, however, varied. See (4.1.iv)

- vii. Successful prosecutions for violence and intimidation are carried out against the full chain of actors in attacks, including the instigators/masterminds and perpetrators.**

In a May 2013 report, CERIGUA focused on the security of journalists and the problem of impunity. Of all journalists killed between 2007 and 2013, only in one case were the circumstances of the killing clarified. While the direct perpetrator was prosecuted, the masterminds were not brought to trial and remain unknown.³¹⁶

- viii. The State monitors the performance of specific state institutions and processes set up in relation to safety at national and local levels.**

Research for this question was not possible to complete in the timeframe of this project.

- ix. The State ensures that appropriate training and capacity is provided to police, prosecutors, lawyers and judges.**

Several State and non-State actors have noted the lack of specialized personnel within the relevant State institutions. No specialized training efforts from the side of the State have been registered. Centro Civitas reported to be actively supporting the work of the Special Prosecutor

³¹⁵ Inter-American Commission on Human Rights, Special Rapporteur for Freedom of Expression, Annual Report December 2013, Volume II, pp.199-200 (446) Catalina Botero Special Rapporteur for Freedom of Expression, Organization of American States (OAS). Available at http://www.oas.org/en/iachr/expression/docs/reports/2014_04_22_%20IA_2013_ENG%20FINALweb.pdf.

³¹⁶ Cerigua (May 2013). Necesario implementar un Programa de Protección a Periodistas. Available at: <http://www.youblisher.com/p/620535-Necesario-implementar-un-Programa-de-Proteccion-a-Periodistas/>.

since 2010, inter alia offering capacity building training to its assistant prosecutors in matters of freedom of expression. Although Centro Civitas' offer was reportedly welcomed by the Office of the Public Prosecutor, at the time of this report, no state actors had yet to follow through with formal plans to participate in this training.

4. The State takes other effective measures in regard to journalists' safety

i. The State publishes updated data about attacks on journalists and impunity.

Research for this question was not possible to complete in the timeframe of this project.

ii. The State consults with women's rights organisations on the appropriate policies and frameworks to counter specific threats to women journalists.

Research for this question was not possible to complete in the timeframe of this project.

iii. The State recognises that protections applying to journalists may also be required to protect persons who represent sources of information for journalists and human rights defenders.

Research for this question was not possible to complete in the timeframe of this project.

iv. The State has measures to support and compensate families of murdered journalists.

Research for this question was not possible to complete in the timeframe of this project.

v. In cases of electronic surveillance, the State respects, and ensures respect for freedom of expression and privacy, through international standards of transparency, proportionality and legitimate purpose.

In 2008, the Constitutional Court upheld both the Law of the Direction of Civil Intelligence (*Ley de Dirección General de Inteligencia Civil*), which allows the government to monitor telephone and online conversations with a judicial warrant, and the Law Against Organized Crime (*Ley Contra la Delincuencia Organizada*), which calls for the establishment of a state counterintelligence division to monitor potential terrorist activity using electronic surveillance, as necessary for guaranteeing public safety. This differs from analysis by the OpenNet Initiative, which states that the laws stand

in violation of constitutional provisions that protect privacy and freedom of expression.³¹⁷

In 2009, a Regulation on the use of special investigatory methods (*Reglamento para la Aplicación de Métodos Especiales de Averiguación*) was approved. It entails an obligation of private telecommunications companies and service providers to collaborate in police investigations by recording and releasing the communication exchanges of their customers.

vi. The State reports on attacks to the appropriate UN agencies, including responses to the UNESCO Director-General's requests for information on judicial follow-up to any killing/s of journalists.

When requested in February 2013 and again in February 2014 by UNESCO on the behalf of the Director-General's Report on the Safety of Journalists and the Danger of Impunity, the State of Guatemala did not provide information on the killings of 6 journalists, condemned by UNESCO in 2006-2013, or the judicial inquiry of those crimes.

³¹⁷ OpenNet Initiative. Guatemala. Available at: <https://opennet.net/research/profiles/guatemala>.

7. The roles and response of CSOs and academia

1. CSOs and academia monitor safety

- i. **CSOs research and monitor safety issues of journalists, including the extent of pressures for self-censorship, and the chilling effect amongst the wider public as a consequence of killings of/attacks on journalists.**

There are a number of relevant NGO's that specialize in the issue, among them CERIGUA, Centro Civitas and UDEFEGUA, all of which record and document various forms of violence against journalists.

CERIGUA coordinates a network of correspondents and emits alerts in case of threats or violence against journalists. In its regular (at least twice a year) publications on the situation of freedom of expression, it also details aggressions, such as physical and verbal assault, restriction of access to public spaces, or forceful removal of equipment and documentation; threats and intimidation, such as through anonymous calls or SMS; and other forms of violence against journalists during the previous year. It also calls for a national program for the protection of journalists.³¹⁸

In 2004, CERIGUA also established a Journalists Observatory (*Observatorio de los Periodistas*) to monitor the state of freedom of expression in the country generally as well as to illustrate specific cases of journalists at risk.³¹⁹

UNESCO Guatemala has maintained relations with the country's major journalist organizations, especially with CERIGUA who together with OHCHR supported the government in the establishment of a mechanism to protect the safety of journalists.

Although Centro Civitas was founded in 2008 to focus specifically on supporting and improving the work of journalists in the country, its origins lie in the Association for Development, Sociocultural Services and Studies (Asociación para el Desarrollo, la Organización, Servicios y Estudios Socioculturales, "Asociación DOSES"), founded in 2001. In its publications, Centro Civitas also highlights specific journalists' security incidents and reports on the state of investigation and prosecution in their aftermath.

³¹⁸ Cerigua (May 2013). Necesario implementar un Programa de Protección a Periodistas. Available at: <http://www.youblisher.com/p/620535-Necesario-implementar-un-Programa-de-Proteccion-a-Periodistas/>.

³¹⁹ Cerigua (2012). Herramientas de Protección para Periodistas y Comunicadores. Available at: <http://www.youblisher.com/p/611338-HERRAMIENTAS-DE-PROTECCION-PARA-PERIODISTAS-Y-COMUNICADORES/>.

In their quarterly reports, UDEFEGUA also includes disaggregated data on types of aggressions reported by human rights defenders, victims' gender, institution, and type of human rights work practiced, including journalism.

While it was not possible to review Guatemalan universities' activities in monitoring journalists' safety within the timeframe of this project, it should be noted that Universidad Rafael Landívar founded and co-funds *Plaza Pública*, an online analysis, debate, and investigation publication that often reports on incidents and issues impacting the safety of journalists and other human rights defenders.³²⁰

ii. CSOs analyse data to produce high quality understanding of circumstances and causes of killings and impunity.

Part of CERIGUA's work has been to establish a Federation of Departmental Journalist Associations (*Federación de Asociaciones de Periodistas Departamentales*), officially launched in 2013, in the light of high levels of risk faced by journalists living outside of the capital city. The Federation is intended to serve as a counterpart to the State in the process of creating a national plan for protection of journalists.³²¹

One of Centro Civitas' primary activities consists of the publication of *Sala de Redacción*, a specialized online magazine aimed at journalists. It contains, among other topics, contributions concerning safety issues, as well as an online survey on the topic.³²² The organization has also organized a number of round tables on the issue of safety of journalists in coordination with the local UNESCO office. Fomenting unity among journalists is a central aim of the organization, which has also established its own network of departmental journalists.

During round table discussions in a variety of locations in and beyond Guatemala City, Centro Civitas has documented journalists' perceptions of the greatest obstacles to their safety.

³²⁰ Available at: <http://www.plazapublica.com.gt/content/quienes-somos>. Note: other co-funders include HIVOS, Open Society Foundations, Friedrich Ebert Stiftung Foundation, and the Spanish news agency EFE.

³²¹ Cerigua (May 2013). Necesario implementar un Programa de Protección a Periodistas. p. 4. Available at: <http://www.youblisher.com/p/620535-Necesario-implementar-un-Programa-de-Proteccion-a-Periodistas/>.

³²² At the time of writing, no final results of the online survey could be obtained for this report. Centro Civitas had encountered problems with data pollution, presumably caused by manipulation of the online survey tool. Interview with Evelyn Blanck, Coordinator of *Centro Civitas* and journalist for *Sala de Redacción*, Skype, 12 November 2013.

iii. CSOs monitor and report upon specific attacks upon or harassment of women journalists or other specifically targeted groups.

While all three NGO's mentioned above were in the time of writing of this report directed by women, no particular focus on the specific situation of women journalists is discernible in their activities. In its proposal for establishing an early warning system to monitor and react to violence against journalists submitted to the State, Centro Civitas places explicit emphasis on women's rights, even though no gender specific dimensions seem to have been included in the proposed mechanism as such.³²³

iv. CSOs provide information to UN agencies and to Universal Periodic Review process about journalists safety.

Centro Civitas does not submit information for the UPR process, according to Evelyn Blanck. CERIGUA is part of the international alliance IFEX-ALC and actively participated in lobbying efforts surrounding the Universal Periodic Review with its own delegation.³²⁴ Both NGO's actively interact with UNESCO and participate in its activities. They have also involved the OHCHR in the process of elaborating a proposal for a program to protect journalists to be implemented by the State.³²⁵

2. National CSOs promote journalists' safety issues

i. CSOs have resources to work on safety issues.

A number of specific programs are run by national NGO's, co-funded by a variety of sources, including UNESCO, governments,³²⁶ and international donors such as HIVOS (The Netherlands).³²⁷

ii. CSOs provide information to the media and wider public.

There are a number of ways in which national NGO's disseminate information on the issue. Centro Civitas' specialized online magazine aimed at the subject of journalists and journalism, *Sala de*

³²³ Centro Civitas (n.d.). Proyecto. Sistema de alerta temprana para la prevención y respuesta de emergencia ante agresiones a periodistas (SATRE).

³²⁴ Cerigua (May 2013). Necesario implementar un Programa de Protección a Periodistas. p. 7. Available at: <http://www.youblisher.com/p/620535-Necesario-implementar-un-Programa-de-Proteccion-a-Periodistas/>.

³²⁵ "Programa de Protección fortalecerá a periodistas", *La Hora* (Guatemala City), 11 Sept 2013. Available at: <https://lahora.com.gt/index.php/nacional/guatemala/departamental/183632-programa-de-proteccion-fortalecera-a-periodistas->.

³²⁶ Such as the Swiss government in the case of Cerigua (2012). Herramientas de Protección para Periodistas y Comunicadores. Available at: <http://www.youblisher.com/p/611338-HERRAMIENTAS-DE-PROTECCION-PARA-PERIODISTAS-Y-COMUNICADORES/>

³²⁷ Sala de redacción. Available at: <http://saladeredaccion.com/revista/>.

redacción, often includes safety issues that affect the profession. Regular publications about journalists' safety can also be found on the websites of UDEFEGUA³²⁸ and CERIGUA,³²⁹ although these are not uniformly updated. Social media are another important channel for distributing journalists' safety information.³³⁰ In her regular column in *Prensa Libre*, Ileana Alamilla, the founder of CERIGUA, often comments on journalists' safety issues in the country.

CERIGUA published a 'pocket guide' for journalists in 2012 detailing the relevant international and national legislation, relevant state actors, and their competencies and obligations. Relating journalists to human rights defenders, it details available means of addressing their problems both nationally and internationally, including international civil society organizations that publish alerts and provide support, as well as general safety guidelines. The guide builds on recommendations from the International News Safety Institute (INSI) and reiterates that the primary responsibility to ensure the rights to life, security, and freedom of expression remain with the State.³³¹

iii. National NGO's have significant consultation and co-ordination with international NGO's.

CERIGUA is part of the international alliance IFEX-ALC. It has also collaborated with the Rory Peck Trust to organize safety and skills training to local freelance journalists around the country.³³²

iv. CSOs co-operate effectively with state, legislative bodies, UN and others in contributing to law and policy making.

Since 2011, CERIGUA has been lobbying the State to elaborate a program for the protection of journalists, explicitly linking this to the implementation strategy of the UN Plan of Action. It has organized public events to this end, such as activities in observation of the World Press Freedom Day in 2012, coordinated in conjunction with UNESCO and at which the Presidency announced its intention to promote such a program.³³³ CERIGUA has also cooperated with UNESCO in organizing a series of regional seminars for journalists on safety issues and international and national legislation

³²⁸ <http://www.udefegua.org>.

³²⁹ <http://cerigua.org/1520/>.

³³⁰ <https://www.facebook.com/sala.de.redaccion>.

³³¹ Cerigua (2012). Herramientas de Protección para Periodistas y Comunicadores. Available at: <http://www.youblisher.com/p/611338-HERRAMIENTAS-DE-PROTECCION-PARA-PERIODISTAS-Y-COMUNICADORES/>.

³³² Rory Peck Trust. Guatemala: Regional skills and Safety Workshops. Available at: <https://rorypecktrust.org/freelance-assistance/Projects/Guatemala-Regional-Skills-and-Safety-Workshops>.

³³³ Cerigua (May 2013). Necesario implementar un Programa de Protección a Periodistas. Available at: <http://www.youblisher.com/p/620535-Necesario-implementar-un-Programa-de-Proteccion-a-Periodistas/>.

and available protection mechanisms.³³⁴

Centro Civitas, together with a group of independent journalists, formulated a proposal for an early warning, response and prevention mechanism.³³⁵ Beyond monitoring and capacity building, the proposal aimed to coordinate the information flow among all relevant state and non-state actors including the network of journalist volunteers. It also included the idea of elaborating an interactive risk map to be added to the MINGOB's *geportal* website; baseline studies concerning government responses to complaints; and in-depth studies to understand the root causes and nature of threats journalists face in their daily work. Importantly, the proposal had envisioned a multi-stakeholder supervisory council for the system, consisting of state actors as well as academics, journalists' associations, and NGO's. In 2013, the proposal was shared with the Special Prosecutor's office, the Human rights Ombudsman, and MINGOB.

v. CSOs co-operate among themselves and with other stakeholders.

Two of the most prominent NGO's working on the issue of journalists' safety in the country, Centro Civitas and CERIGUA, while conducting joint projects with international NGO's and local partners as UDEFEGUA, do not seem to collaborate on joint projects. Both formulated independent proposals for a national journalists' safety, established regional presence for their own separate journalist networks, and each conduct their own training workshops. Many interviewees pointed to the division within civil society as a crucial weakness when it comes to formulating a unified agenda on journalists' safety and effectively collaborating with State actors.³³⁶

vi. CSOs introduce safety issues into the mainstream of national strategies for media development and donor funding.

Research was not possible for this indicator within the timeframe of this project.

vii. CSOs work with and support lawyers and legal organisations who are challenging impunity.

Research was not possible for this indicator within the timeframe of this project.

³³⁴ IFEX-ALC/Cerigua. Annual Report on Impunity 2013. Guatemala. Update on the national context. Available at: <http://ifex.org/alc/es/impunidad2013/2013/en/pdf/guatemala.pdf>.

³³⁵ Centro Civitas (n.d.). Proyecto. Sistema de alerta temprana para la prevención y respuesta de emergencia ante agresiones a periodistas (SATRE). Centro Civitas also kindly made available their unedited transcripts of a number of those regional round tables held in various regions in Guatemala.

³³⁶ Inter alia Interview with Jorge de Leon Duque, Human Rights Ombudsman, 25 November 2013, Guatemala City.

3. CSOs provide appropriate training and support for media workers

- i. **Academic and other journalists' training courses include adequate professional training on safety issues, offline as well as online, especially to media actors, jurists and civil servants.**

CERIGUA has collaborated with the Rory Peck Trust to organize safety and skills training for local freelance journalists around the country.³³⁷

Centro Civitas' activities include digital safety training, although these are primarily targeted at journalists rather than jurists or civil servants.³³⁸

On April 30th, 2013, the U.S. State Department, in partnership with IREX, Global Security, and the Universidad Centro Americana Simeón Cañas (UCA) in El Salvador, inaugurated the *Centro Regional de Entrenamiento de Seguridad para Periodistas*, one of three piloted global journalists' security resource centers intended to "provide trainings, tailored security plans, and support for journalists under threat,"³³⁹ including training on physical security, digital security, and post-traumatic stress. Although based in San Salvador, the regional center will benefit journalists in El Salvador, Guatemala, and Honduras.³⁴⁰

Broader research on academic curricula or university initiatives was not possible within the timeframe of this report.

- ii. **CSOs provide relevant information, including about training opportunities and resources, to journalists.**

Research was not possible for this indicator within the timeframe of this project.

- iii. **CSOs develop programmes that provide specific support for women journalists.**

Interviews and research did not identify programs that provide specific support to women journalists.

³³⁷ Rory Peck Trust. Guatemala: Regional skills and Safety Workshops. Available at:

<https://rorypecktrust.org/freelance-assistance/Projects/Guatemala-Regional-Skills-and-Safety-Workshops>.

³³⁸ Interview with Evelyn Blanck, Coordinator of *Centro Civitas* and journalist for *Sala de Redacción*, Skype, 12 November 2013.

³³⁹ Available at: <http://emergencyjournalism.net/a-regional-approach-to-journalists-safety/>.

³⁴⁰ CERIGUA, "Lanzan centros regionales de formación sobre seguridad para periodistas," CERIGUA, 30 April 2013. Available at: http://cerigua.org/1520/index.php?option=com_content&view=article&id=13531%3Alanzan-centros-regionales-de-formacion-sobre-seguridad-para-periodistas&Itemid=38.

iv. CSOs evaluate and report on their training and support.

Few systematic evaluations of NGOs' reports on their training activities are publicly available. Centro Civitas provided transcripts of five round tables with journalists in rural regions in 2012, which are in the process of future publication.

v. CSOs provide safety equipment for vulnerable media workers.

According to UDEFEGUA, no local NGO actor provides safety equipment to media workers under threat.³⁴¹

vi. CSOs provide legal advice and services to journalists on safety issues, including counselling and assistance to journalists under threat and to families of murdered journalists.

Research was not possible for this indicator within the timeframe of this project.

vii. CSOs provide, where appropriate, places of refuge or safe houses, for media workers under severe threat.

According to UDEFEGUA, no NGO actor in Guatemala provides places of refuge or safe houses to journalists under severe threat.³⁴²

viii. CSOs participate in humanitarian relief efforts for journalists under threat or who have been killed or injured.

Research was not possible for this indicator within the timeframe of this report.

³⁴¹ Interview with Luisa Pineda and Brenda Hernández of the Unit for the Protection of Human Rights Defenders (*Unidad de Protección a Defensoras y Defensores de Derechos Humanos*, or UDEFEGUA), Guatemala City, 25 November 2013.

³⁴² Interview with Luisa Pineda and Brenda Hernández of the Unit for the Protection of Human Rights Defenders (*Unidad de Protección a Defensoras y Defensores de Derechos Humanos*, or UDEFEGUA), Guatemala City, 25 November 2013.

8. The roles and response of media and intermediaries

1. Media organisations adopt specific measures to protect the safety of journalists

- i. **Media organisations monitor safety issues and have a safety policy that is written, available to staff and the wider public and fully operated.**

Research was not possible for this indicator within the timeframe of this report.

- ii. **Safety policies include risk assessment provisions to establish levels of danger facing employees on particular assignments.**

Research was not possible for this indicator within the timeframe of this report.

- iii. **Safety policies extend to freelance journalists, their assistants, local employees and support personnel.**

Research was not possible for this indicator within the timeframe of this report.

- iv. **Journalists, including freelancers, have contracts with proper terms of employment, including with respect to safety and personal risk.**

Independent journalists speak about low salaries and a lack of social security coverage, life insurance and medical insurance.³⁴³ In the November 26th, 2013 meeting conveyed by UNESCO, one journalist stated that out of his organization's 110 rural correspondents, the majority are not journalists but rather community members with multiple jobs – teachers, firefighters – who report on an informal basis.³⁴⁴ Both in the capital and in rural areas, journalists and freelancers explain that the lack of proper terms of employment and safety measures is commonplace.³⁴⁵

By law, any outlet or individual contracting the services of journalists is required to pay a fee through the so-called Press Stamp (*Timbre de Prensa*), an insurance fund collected and controlled

³⁴³ Transcript from five focus groups held during Regional Journalists' Meetings (*Encuentros Regionales de Periodistas*), *Centro Civitas*, 2012.

³⁴⁴ Group Interview, "Libertad de Expresión y cultura de paz: Medios de Prensa y prevención de linchamientos en Guatemala," Forum organized by UNESCO, Guatemala, 26 November 2013.

³⁴⁵ Group Interview, "Libertad de Expresión y cultura de paz: Medios de Prensa y prevención de linchamientos en Guatemala," Forum organized by UNESCO, Guatemala, 26 November 2013.

by the Journalists' Social Welfare Institute (*Instituto de Previsión Social del Periodista*, IPSP).³⁴⁶ According to multiple sources, however, for logistical and financial reasons, the IPSP has been largely ineffective in providing journalists with necessary protection and was long clouded by financial “irregularities” that initiated an audit in 2010.³⁴⁷ However, some journalists claim that IPSP faces cultural challenges as well: outside of Guatemala City, journalists claim that while the mechanism does offer benefits to journalists based in the capital, restrictions on membership make those benefits largely unavailable to rural journalists.³⁴⁸

At the same time, over the past two years, the IPSP has been undergoing a legal and regulatory overhaul intended to “adapt [the institute] to the social conditions of the journalistic syndicate.” Some of the updates proposed include the preparation of an informative program allowing prospective members to better understand membership requirements and compliance and the incorporation of an electronic element to “modernize” the affiliation process and make it more efficient.³⁴⁹

- v. Media organisations ensure that workplace and working conditions are safe and secure, protecting journalists from intruders, and including a secure ICT environment.**

Research was not possible for this indicator within the timeframe of this project.

- vi. Journalists have the right to refuse dangerous assignments.**

Research was not possible for this indicator within the timeframe of this project.

³⁴⁶ “Timbre de Prensa,” *Instituto de Previsión Social del Periodista*, No Date. Available at: <http://ipsp.org.gt/#>.

³⁴⁷ “Previsión social para periodistas, un model para discutir,” *Sala de Redacción*, May 2012. Available at: <http://saladeredaccion.com/revista/2012/05/prevision-social-para-periodistas-un-modelo-por-discutir-2/>; Group Interview, “*Libertad de Expresión y cultura de paz: Medios de Prensa y prevención de linchamientos en Guatemala*,” Forum organized by UNESCO, Guatemala, 26 November 2013.

³⁴⁸ Transcript from five focus groups held during Regional Journalists' Meetings (*Encuentros Regionales de Periodistas*), *Centro Civitas*, 2012.

³⁴⁹ “Previsión social para periodistas, un model para discutir,” *Sala de Redacción*, May 2012. Available at: <http://saladeredaccion.com/revista/2012/05/prevision-social-para-periodistas-un-modelo-por-discutir-2/>.

- vii. Media organisations provide adequate insurance and necessary safety equipment to journalists on dangerous assignments including equipment that is appropriate to women.**

Media owners have the constitutional obligation to provide life insurance coverage to their reporters.³⁵⁰ According to journalists interviewed in focus groups organized by Centro Civitas, media organizations outside of Guatemala City generally do not provide journalists with adequate insurance or safety equipment.³⁵¹

- viii. Media organisations provide hostile environment and risk awareness training before journalists are sent on dangerous assignments.**

Research was not possible for this indicator within the timeframe of this project.

- ix. Media organisations provide adequate back up to journalists on dangerous assignments.**

Research was not possible for this indicator within the timeframe of this project.

- x. Media organisations ensure that stress counselling is available.**

Research was not possible for this indicator within the timeframe of this project.

- xi. Media organisations recognise that women employees face specific risks and undertake specific mitigation strategies.**

Research was not possible for this indicator within the timeframe of this project.

- xii. Media organisations liaise with security forces where appropriate to establish guidelines on treatment of journalists before entering a dangerous area.**

Research was not possible for this indicator within the timeframe of this project.

³⁵⁰ Constitución de la República de Guatemala (Reformada por Acuerdo legislativo No. 18-93 del 17 de Noviembre de 1993). Available at: http://www.oas.org/juridico/MLA/sp/gtm/sp_gtm-int-text-const.pdf. Article 35.

³⁵¹ Transcript from five focus groups held during Regional Journalists' Meetings (*Encuentros Regionales de Periodistas*), Centro Civitas, 2012.

xiii. Community media operate safety protocols as appropriate to their circumstances.

Research was not possible for this indicator within the timeframe of this project.

2. Journalists' unions and professional bodies take specific measures to promote the safety of journalists

i. Journalists' unions/associations monitor safety issues and advocate to employers and the authorities to have effective policies about these.

Reports of threats and attacks against journalists over the past few years, and over the past 12 months especially, have drawn more vocal, public support from journalists' unions and mass media organizations than in the past. Notably, journalists' associations like the Guatemalan Chamber of Journalism (*Cámara Guatemalteca de Periodismo*, CGP) and the Guatemalan Association of Journalists (*Asociación de Periodistas de Guatemala*, APG), in addition to regional associations, publicly denounced attacks against journalists, and were especially vocal about the murders of four journalists in 2013.³⁵²

As Evelyn Blanck points out, however, it was individual journalists, who showed their support for Sofia Menchú, a journalist who was threatened by a former Minister of Culture and whose case marks one of two favorable sentences for journalists' safety in 2013.³⁵³ In the same vein, some journalists participating in the November 2013 meeting convened by UNESCO said that when a journalist like Menchú is attacked or threatened, journalists' associations do not automatically organize actions in solidarity with non-members; instead, they must be called to action by the victims themselves.³⁵⁴ According to a 2012 IFEX report, "very few [associations of journalists] externalize solidarity against attacks on journalists, except when it comes to serious cases, such as murder."³⁵⁵

³⁵² "La SIP condenó la ola de violencia contra la prensa en Guatemala," *Infobae*, 20 August 2013. Available at: <http://www.infobae.com/2013/08/20/1503122-la-sip-condeno-la-ola-violencia-contr-la-prensa-guatemala>; Tulio Juarez, "AGP condena atropello policial contra periodistas," *elPeriódico*, 14 November 2013. Available at: <http://www.elperiodico.com.gt/es/20131114/pais/237969/>; see Facebook page of the Guatemalan Chamber of Journalism, Available at: https://www.facebook.com/actividadesCGP?sk=messages_inbox&action=read&tid=id.222306384560011.

³⁵³ Interview with Evelyn Blanck, Coordinator of *Centro Civitas* and journalist for *Sala de Redacción*, Skype, 12 November 2013.

³⁵⁴ Group Interview, "Libertad de Expresión y cultura de paz: Medios de Prensa y prevención de linchamientos en Guatemala," Forum organized by UNESCO, Guatemala, 26 November 2013.

³⁵⁵ IFEX-ALC, "Annual report on impunity 2012," 2012, p.17. Available at: <http://ifex.org/alc/es/impunidad2012/en/sobre.html>.

ii. Journalists' unions/associations highlight the importance of media professionalism.

There is a vocal concern that, not only is the current generation of journalists entering the labor market underprepared to face the demands and challenges of their profession, but that this lack of academic and professional preparation may also extend to their safety preparedness. Critics mention several factors, including the poor quality of education in Guatemala generally.³⁵⁶ According to observations, financial concerns have caused traditional media outlets to cut back on journalists' benefits and salaries and to increase advertising space, which means that "many students (and working journalists) are not interested in talk of professionalism or ethics," and that journalism is viewed as "a job, not public service."³⁵⁷ Media organizations are disinclined to invest in the professionalization of their reporters.³⁵⁸ Some say that lowering professional standards have also created incentives toward risky, even corrupt behavior, such as taking bribes.³⁵⁹ The case is worse outside of Guatemala City in rural areas of the country, where smaller newsrooms and radio stations do not have resources to hire experienced journalists.³⁶⁰

For UDEFEGUA, which counts journalists among its network of human rights defenders, it is of concern that "journalists do not view themselves as human rights defenders," and that not all know how to protect themselves in their potentially perilous line of work.³⁶¹

iii. Journalists' unions/associations provide information resources and promote good practices.

Research was not possible for this indicator within the timeframe of this project.

iv. Journalists' unions/associations provide practical advice and access to specialist resources to media staff working on dangerous assignments.

³⁵⁶ "Sobre coberturas, yerros, y enseñanza del periodismo," *Sala de Redacción*, No date. Available at: <http://saladeredaccion.com/revista/2013/08/sobre-coberturas-yerros-y-ensenanza-del-periodismo-2/>.

³⁵⁷ Stephen A. J. Ward, "Even in Troubled Guatemalan Media, Journalism Ethic Matters," *Media Shift*, 8 October 2012. Available at:

<http://www.pbs.org/mediashift/2012/10/even-in-troubled-guatemalan-media-journalism-ethics-matters282/>.

³⁵⁸ Sobre coberturas, yerros, y enseñanza del periodismo," *Sala de Redacción*, No date. Available at: <http://saladeredaccion.com/revista/2013/08/sobre-coberturas-yerros-y-ensenanza-del-periodismo-2/>.

³⁵⁹ Stephen A. J. Ward, "Even in Troubled Guatemalan Media, Journalism Ethic Matters," *Media Shift*, 8 October 2012. Available at: <http://www.pbs.org/mediashift/2012/10/even-in-troubled-guatemalan-media-journalism-ethics-matters282/>.

³⁶⁰ Interview with Jorge Luis Sierra from the International Center for Journalists, Skype, 7 November 2013.

³⁶¹ Interview with Luisa Pineda and Brenda Hernández of the Unit for the Protection of Human Rights Defenders (*Unidad de Protección a Defensoras y Defensores de Derechos Humanos*, or UDEFEGUA), Guatemala City, 25 November 2013.

Research was not possible for this indicator within the timeframe of this project.

v. Journalists' unions/associations make support available to community media and citizen journalists.

The two most established journalists' associations, the CGP and the APG, represent mostly journalists living in Guatemala City and are not representative of Guatemala's journalist community³⁶² at large. Even their members acknowledged a need for a "generation change" to boost membership among younger journalists.³⁶³ Both the APG and CGP are considered by many journalists to represent exclusive, elite interests and are inaccessible either professionally, financially, or logistically to the majority of journalists and communications workers in Guatemala, especially those outside the capital.³⁶⁴ According to local journalists, outside of the capital, journalists' associations are largely divided by department/region, are described as internally divided,³⁶⁵ and have only limited clout when it comes to advocating for journalists' interests.³⁶⁶

At the same time, solidarity among journalists has been growing. In 2005, five of Guatemala's major journalists' associations formed an alliance with the establishment of the Court of Presidents of Press and Communication Entities (*Instancia de Presidentes de Entidades de Prensa y Comunicación*) in order to foster professional solidarity and advocate for better protection for journalists, among other rights.³⁶⁷ Later on, they collaborated on a Convention to Defend the Freedom of Expression and Security for Journalists and Communicators (*Convenio para defender la libertad de expresión y seguridad de periodistas y comunicadores*).³⁶⁸ In 2013, they met with the Human Rights Ombudsman to discuss plans for a formal, multi-stakeholder process to improve the protection for journalists.³⁶⁹

³⁶² Group interview, "Libertad de Expresión y cultura de paz: Medios de Prensa y prevención de linchamientos en Guatemala," Forum organized by UNESCO, Guatemala, 26 November 2013.

³⁶³ Group Interview, "Libertad de Expresión y cultura de paz: Medios de Prensa y prevención de linchamientos en Guatemala," Forum organized by UNESCO, Guatemala, 26 November 2013.

³⁶⁴ Transcript from five focus groups held during Regional Journalists' Meetings (Encuentros Regionales de Periodistas), Centro Civitas, 2012.; Group Interview, "Libertad de Expresión y cultura de paz: Medios de Prensa y prevención de linchamientos en Guatemala," Forum organized by UNESCO, Guatemala, 26 November 2013.

³⁶⁵ Group Interview, "Libertad de Expresión y cultura de paz: Medios de Prensa y prevención de linchamientos en Guatemala," Forum organized by UNESCO, Guatemala, 26 November 2013.

³⁶⁶ Transcript from five focus groups held during Regional Journalists' Meetings (*Encuentros Regionales de Periodistas*), Centro Civitas, 2012.

³⁶⁷ Ileana Alamilla, "Las periodistas necesitamos agruparnos para defender nuestros derechos profesionales," *Albedrío.org*, 4 May 2005. Available at: <http://www.albedrio.org/htm/articulos/i/ia-003.htm>.

³⁶⁸ Private email from Leonel Armas, UNESCO, Guatemala, 6 November 2013.

³⁶⁹ Interview with Jorge de Leon Duque, Human Rights Ombudsman (Procurador de Derechos Humanos), Guatemala City, 25 November 2013.

Solidarity among journalists is also growing outside of Guatemala City in rural departments, where regional and national meetings of journalists have been backed by civil society organizations like Centro Civitas and CERIGUA, who directed efforts in 2012 and 2013 to bring these groups into conversation to discuss common experiences, challenges, and goals on security issues.³⁷⁰ In meetings lead by Centro Civitas, journalists from five departments came together in discussion over a two-year period to prioritize regional concerns and formulate a plan for an early warning system. As part of this plan, journalists would participate in a national network for sending and transmitting information to a monitoring center, and in an urgent action network.³⁷¹ CERIGUA worked with members from journalists' associations in eight departments to propose a Federation of Departmental Journalists' Associations (*Federación de Asociaciones de Periodistas Departamentales*), which was still in the making at the time of this report.³⁷² Although critics decry those efforts as "self-interested" and "partisan," they represent unique attempts to reach out to these regions.³⁷³

- vi. Journalists' unions/associations establish programmes for women journalists that take account of specific risks they will face on dangerous assignments.**

Research was not possible for this indicator within the timeframe of this project.

- vii. Journalists' unions/associations provide training and stress counseling to journalists.**

Research was not possible for this indicator within the timeframe of this project.

- viii. They establish a safety fund for journalists who are victims of violence and their families.**

Research was not possible for this indicator within the timeframe of this project.

³⁷⁰ Ligia Flores and others, "Incremento de agresiones y limitada acción del Estado," *Sala de Redacción*, No date. Available at:

<http://saladeredaccion.com/revista/2013/09/incremento-de-agresiones-y-limitada-accion-del-estado/>.

³⁷¹ Ligia Flores and others, "Incremento de Agresiones y limitada acción del Estado," *Sala de Redacción*, September 2013. Available at: <http://saladeredaccion.com/revista/2013/09/incremento-de-agresiones-y-limitada-accion-del-estado/>.

³⁷² CERIGUA, "Anuncian conformación de Federación de Asociaciones Departamentales de Periodistas," *CERIGUA*, 28 May 2013. Available at:

http://cerigua.org/1520/index.php?option=com_content&view=article&id=13612%3Aanuncian-conformacion-de-federacion-de-asociaciones-departamentales-de-periodistas&Itemid=8.

³⁷³ Stephen A. J. Ward, "Even in Troubled Guatemalan Media, Journalism Ethic Matters," *Media Shift*, 8 October 2012. Available at: <http://www.pbs.org/mediashift/2012/10/even-in-troubled-guatemalan-media-journalism-ethics-matters282/>.

3. All media actors, including individual journalists, promote safety in digital communications

i. Journalists are aware of digital dangers and protection measures.

While there is still a significant amount of growth to be achieved in this area, some media outlets that rely on online media have become savvier about protecting themselves against cyberattacks. *Plaza Pública* is one of these.³⁷⁴ Working with Hivos' *Actores de Cambio* project, Centro Civitas plans to begin training journalists specifically on the issue of digital security beginning in 2014. However, Evelyn Blanck of Centro Civitas Guatemala, mentioned that while the internet is unstable in both Guatemala City and across the country, rural journalists are affected by a digital divide and are less likely to have access. Therefore, while digital security may be relevant to some journalists, there are many others for whom it is not a major concern.³⁷⁵

ii. Journalists effectively use protection in digital communication including appropriate software and other precautionary measures.

Research was not possible for this indicator within the timeframe of this project.

iii. Opportunities exist for training in public key cryptography, and are taken up.

Centro Civitas offers training in cryptography and has published a free, downloadable manual on their website in Spanish, which as of December 12, 2013 had been downloaded 40 times.³⁷⁶

iv. Employers and others provide software and equipment that enables journalists to protect communications.

Research was not possible for this indicator within the timeframe of this project.

4. Media actors cover safety issues

i. There is sustained coverage of safety and impunity, including follow-up stories.

According to IFEX (2012), attacks on journalists are “given more or less attention, depending on the

³⁷⁴ Interview with Martin Pellecer, Director of *Nomada.gt*, formerly of *Plaza Pública*, Guatemala City, 26 November 2013.

³⁷⁵ Interview with Evelyn Blanck, Coordinator of *Centro Civitas* and journalist for *Sala de Redacción*, Skype, 12 November 2013.

³⁷⁶ Nelson Fernandez and Pablo Mancini, “CryptoPeriodismo: Manual Ilustrado para Periodistas,” uploaded March 14, 2013. Available at: <http://saladeredaccion.com/revista/descargas/?category=9>.

media outlet that the journalist belonged to and his years of work. In general, journalists from the countryside are usually given less public attention. There are very few cases that transcend, not even the major cases have media coverage, and very little is published about them.”³⁷⁷

- ii. **The media community demonstrates its own concern on the issues of safety and impunity, is not afraid to report on those issues as matters of public interest, and recognises the common interests with community media and citizen journalists in those matters.**

There is a general consensus among stakeholders in Guatemala that journalists – especially those in rural and border regions – engage in self-censorship³⁷⁸ around subjects that affect journalists’ security like corruption, organized crime, drug trafficking, and extractive industries, among others.³⁷⁹ However, there is considerably less discussion around the issue of corruption within the press, an issue that may well impact journalists’ silence, and their safety. In 2010, columnist Dina Fernández brought this issue to light in an editorial in *La Prensa*, claiming that the journalistic profession was rife with rumors about bribery throughout all levels of the hierarchy.³⁸⁰ Since then, concerns over media corruption have resonated with others in the field, who came forward with similar observations,³⁸¹ including reports of top-level media executives engaging in extortion. However, no evidence has come to light. *Sala de Redacción* recently published two articles on the issue, alleging that journalists and media organizations accept bribes or “favors” from public officials, dignitaries, and business people to publish stories in their interest – or refrain from publishing unfavorable ones.³⁸²

- iii. **Media acts as a community advocate for these issues.**

Research was not possible for this indicator within the timeframe of this project.

³⁷⁷ IFEX-ALC, “Annual report on impunity 2012,” 2012, p.17. Available at:

<http://ifex.org/alc/es/impunidad2012/en/sobre.html>.

³⁷⁸ CERIGUA, “Resumen Ejecutivo, Estado de Situación de la Libertad de Expresión en Guatemala durante el 2013,” 29 November 2013. Available at: http://issuu.com/cerigua/docs/estado_de_situacion_de_la_libertad.

³⁷⁹ Group Interview, “*Libertad de Expresión y cultura de paz: Medios de Prensa y prevención de linchamientos en Guatemala*,” Forum organized by UNESCO, Guatemala, 26 November 2013; Transcript from five focus groups held during Regional Journalists’ Meetings (*Encuentros Regionales de Periodistas*), *Centro Civitas*, 2012.

³⁸⁰ Dina Fernandez, “También en la prensa,” *el Periódico*, 21 June 2010. Available at:

<http://www.elperiodico.com.gt/es/20100621/opinion/159119>.

³⁸¹ Stephen A. J. Ward, “Even in Troubled Guatemalan Media, Journalism Ethic Matters,” *Media Shift*, 8 October 2012. Available at: <http://www.pbs.org/mediashift/2012/10/even-in-troubled-guatemalan-media-journalism-ethics-matters282/>.

³⁸² Evelyn Blanck and Ligia Flores, “Prensa en Guatemala: Limpia o Corrupta?” *Sala de Redacción*, No date. Available at: <http://saladeredaccion.com/revista/2013/11/prensa-en-guatemala-¿limpia-o-corrupta/>; “Periodismo, ‘fafa’ y autofiscalización,” *Sala de Redacción*, No date. Available at:

<http://saladeredaccion.com/revista/2013/11/periodismo-“fafa”-y-autofiscalizacion/>.

iv. Media actors work with non-media stakeholders to ensure adequate policies and attention to the issue.

Research was not possible for this indicator within the timeframe of this project.

5. Intermediary entities respect journalists' safety

Due to the limits of this study, the role of intermediaries in journalists' safety and security was not examined.

- i. Internet, IT and telecoms companies have secure facilities that protect journalists' data from hackers.**
- ii. Internet, IT and telecoms companies have clear, transparent and proportionate policies in line with international standards on privacy as regards releasing private data to law-enforcement authorities and others.**
- iii. Internet, IT and telecoms companies report transparently and periodically on items i and ii above.**
- iv. Internet, IT and telecoms companies have data-protection policies that entitle clients to track any 3rd party engagement with their data.**
- v. Internet, IT and telecoms companies have a policy to inform their users about data requests by government agencies**

9. Conclusion

The national Journalist's Protection Plan, announced by President Otto Pérez Molina on November 28th, 2013 is an important stride toward improving the safety conditions for journalists and communications workers in Guatemala. However, significant steps remain for the Guatemalan State to follow through on its commitment to end the growing violence against journalists and to improve the climate of aggression and fear that restricts freedom of expression in the country, and which has led to self-censorship, as acknowledged by every stakeholder interviewed for this publication.

In recent years, the issue of the safety of journalists has gained prominence in Guatemala. A healthy, vibrant press, radio, television and web-based media is essential for democracy. Multi-stakeholder voices from the State, civil society, and the media are becoming increasingly concerned about the obstacles journalists face when reporting, informing and opining in a highly polarized political environment. All stakeholders - from the State to human rights defenders, from journalists to the organizations that employ them - agree that the issue of safety also needs to be addressed swiftly and explicitly; furthermore, many believe that threats to journalists' safety can only be successfully dealt with in a coordinated, shared way. Collaboration within and across sectors is a basic first step toward reaching agreement on the design and implementation of the Journalists' Protection Plan to ensure that journalists' lives are protected and that the environment in which they work enables them to report freely.

Following a thorough review of the research available, a 3-day field research expedition to the country by a team of researchers, and interviews with stakeholders from government, academia, NGO's, INGO's, UN system organizations, and journalists, this report has drawn a diagnosis of the situation of safety of journalists in Guatemala, of impunity for crimes committed against them and, more generally, of the conditions for freedom of expression in the country in 2013. This report is intended to serve as a baseline against which to evaluate Guatemala's future evolution with regards to the state of journalists' safety and the issue of impunity.

Guatemala has a legislative and an institutional framework in place that already deals specifically with issues of safety and impunity - an advantage when defining any policy measures in the future. Furthermore, several NGO's are leading the way to promote the safety of journalists and to improve their working conditions.

One key element detected in this report is the lack of coordination both among state institutions dealing with the safety of journalists, and between state, civil society, and media organizations. The

proposed Journalists' Protection Plan includes some coordination measures, although more work is required before progress can be measured.

The disproportionate difficult security conditions of journalists living and working outside of the capital is another principal concern that needs to be specifically addressed. Most stakeholders agree that rural journalists face the highest level of risk and have the least access to resources to protect and defend themselves against threats. Aside from isolated initiatives carried out by some NGO's, little is being done to address the specific needs of local journalists in these areas.

Of concern as well is the participation, cited by many interviewees, of some members of state agents, particularly members of the National Police, in attacks and threats against journalists. A clear-cut policy holding officials - civilian or uniformed – accountable for their actions is urgently needed. Bold measures are needed along the chain of preventing illegal acts against journalists, investigating security incidents when they take place, and processing and condemning both those authors who are directly responsible for crimes as well as the masterminds behind them.

Among the main concerns voiced by most stakeholders interviewed for this report is the need to improve the investigative-prosecutorial framework currently in place in Guatemala. The lack of coordination among state authorities impedes the adoption of a coherent framework for processing complaints from journalists in danger and for investigating the full range of illegal actions undertaken against them. A basic first step to be taken is the establishment of a national early prevention and alert system which would not only help to prevent offenses against journalists, but also help to deal with them once they occur.

This report concludes that key policy and institutional elements are missing from a comprehensive approach to journalists' safety and security issues in Guatemala. For instance, the State does not employ a gender-based approach in dealing with the safety of journalists, nor does any women-specific policy or institutional arrangement currently exist. Regular monitoring of journalists' security conditions is also lacking. The report also reveals an urgent need to a better collection and process of data regarding the several aspects of journalists' safety in Guatemala.

Among journalists, there is a climate of mistrust in State authorities and institutions in general; as such, many prefer to elevate their complaints directly to the IACHR or the Inter-American Court. Standardized risk evaluation and assessment procedures are also missing from State response mechanisms, which are excessively laborious and frequently impractical. Despite a growing institutional interest in journalists' safety, police and prosecutors lack appropriate training, funding, and basic resources like vehicles, investigative equipment, and adequate human resources.

In the media sphere, the polarization among journalists also poses important challenges to building consensus and co-operation on issues impacting enhanced journalists' security. A lack of professional solidarity, the divide between journalists from Guatemala City and those in the rest of the country, political polarization pertaining to remnant Civil War hostilities, as well as the invisibility of community and indigenous journalists and their media, were among critical issues cited by interviewees and/or published materials consulted for this report. Building consensus requires that journalists, media organizations, and NGO's work to ensure that safety issues become prominent in regular media coverage, share experiences and lessons-learned beyond their immediate professional circles, and develop solidarity mechanisms among media outlet, media owners, and influential editors. Tighter coordination between specialized state institutions and NGO's is also needed. The role of media and media owners in helping to train and strengthen the professional skills of their employees, improve their working conditions, and invest strategically in the safety of their journalists, are critical points of this discussion.

While not comprehensive, these conclusions are important considerations if Guatemala's Journalists' Safety Plan is to have its intended effect in improving journalists' security and in reducing impunity rates across the country.

Annex I

Some major Journalists unions/professional bodies in Guatemala:³⁸³

- Association of Sports Journalists (*Asociación de Cronistas Deportivos*, or ACD)
- Chamber of Professional Announcers (*Cámara de Locutores Profesionales*, or CLPG)
- Guatemalan Association of Journalists (*Asociación de Periodistas de Guatemala*, or APG)
- Guatemalan Chamber of Journalism (*Cámara Guatemalteca de Periodismo*, or CGP)
- Guatemalan Association of Women Journalists and Writers (*Asociación de Mujeres Periodistas y Escritoras de Guatemala*, or AMPEG)
- National Press Circle (*Círculo Nacional de Prensa*, or CNP)

Examples of departmental journalists' associations:

- Alta Verapaz Association of Journalists and Social Communicators (*Asociación de Periodistas y Comunicadores Sociales de Alta Verapaz*, or APC-AV)
- Chiquimula Association of Journalists (*Asociación de Periodistas de Chiquimula*, or APCH)
- Communicators' Association of Santa Rosa (*Asociación de Comunicadores de Santa Rosa*, or ACSR)
- Huehuetenango Press Association (*Asociación de Prensa de Huehuetenango*, or APH)
- Izabal Association of Journalists (*Asociación de Periodistas de Izabal*, or API)
- Jutiapa Journalists Association (*Asociación de Periodistas de Jutiapa*, or APJ)
- Sololá Association of Journalists and Social Communicators (*Asociación de Periodistas y Comunicadores Sociales de Sololá*, or APCSS)

In addition, alliances among journalists' organizations have been formed:

- Federation of Departmental Journalists' Associations (*Federación de Asociaciones de Periodistas Departamentales*) –announced by CERIGUA in May 2013 to include 8 departmental journalists' associations, with the possibility for more; still in development³⁸⁴
- Court of Presidents of Press and Communication Entities (*Instancia de Presidentes de Entidades de Prensa y Comunicación*) – consists of leadership from the Asociación de Periodistas de Guatemala (APG), the Asociación de Cronistas Deportivos (ACD), the *Círculo Nacional de Prensa* (CNP), the *Cámara de Locutores Profesionales* (CLPG), the *Asociación de Mujeres Periodistas y Escritoras de Guatemala* (AMPEG), and the *Cámara Guatemalteca de Periodismo* (CGP)³⁸⁵

³⁸³ Note: while the organizations listed are among the most prominent journalists' associations in Guatemala, many more exist, as indicated by journalists in regional focus groups conducted by Centro Civitas in 2012.

³⁸⁴ CERIGUA, "Anuncian conformación de Federación de Asociaciones Departamentales de Periodistas," *CERIGUA*, 6 May 2013. Available at:

http://cerigua.org/1520/index.php?option=com_content&view=article&id=13612%3Aanuncian-conformacion-de-federacion-de-asociaciones-departamentales-de-periodistas&Itemid=8.

³⁸⁵ "Instancia de Presidentes de Entidades de Prensa y Comunicación," No date. Available at:

<http://www.iijlac.org/components.php?name=Articulos&artid=509&idioma=spanish>.

Annex II

Major news media outlets in Guatemala, by type:³⁸⁶

- **Print**
 - Nuestro Diario
 - elPeriódico
 - Siglo 21
 - Prensa Libre
 - La Hora
 - Diario de Centro América

- **Radio news chains**
 - Radio Punto
 - Radio TGW
 - Radio Sonora
 - Emisoras Unidas
 - Nuevo Mundo Radio

- **Television**
 - Telediario
 - Noti7
 - Telecentro T13 Noticias
 - Canal Antigua
 - Guatevisión

- **Online**
 - Plaza Pública
 - El Faro

³⁸⁶ “Medios de comunicación de Guatemala,” *Asociación DOSES*, No date. Available at: <http://www.dosesguatemala.org/comunicacion-guatemala/>.