

**VIOLENCE AGAINST JOURNALISTS AND MEDIA WORKERS:
INTERAMERICAN STANDARDS AND DOMESTIC PRACTICES, PROTECTION, AND ADMINISTRATION OF
TO JUSTICE**

EXECUTIVE SUMMARY

I. Introduction

1. The murder of journalists and members of the media is the most extreme form of censorship. As the Inter-American Court of Human Rights has observed, “journalism can only be exercised freely when those who carry out this work are not victims of threats or physical, mental or moral attacks or other acts of harassment.” These actions not only violate the freedom of thought and expression of the directly affected person in an especially drastic way, but they also affect the collective aspect of this right. Acts of violence committed against journalists or media workers that are connected with their professional activities violate these persons’ right to express and impart ideas, opinions, and information. They also represent an attack on the rights of citizens and society in general to seek out and receive information and ideas of all kinds.

2. While some States have in recent decades strengthened their legal protections of the exercise of journalism, others have seriously compromised those protections. This report documents the alarming increase in the level of violence against journalists in the Americas and offers solutions by citing inter-American standards and identifying domestic practices currently in place to protect journalists, prevent crimes against them, and bring those responsible to justice.

II. Violence against journalists in the Americas: An ever more pressing problem

3. The murder of journalists and members of the media is the most extreme form of censorship. Journalism can only be freely practiced when those who do so are not victims of threats or physical, psychological, or moral attacks or other acts of harassment. The acts of violence committed against journalists or individuals who work in media that are connected with their professional activity violate these individuals’ rights to express and impart ideas, opinions, and information. They also represent an attack on the rights of all persons to seek out and receive information and ideas of all kinds

4. Impunity for these crimes encourages the repetition of acts of violence and can result in the silencing of communicators and self-censorship. Effectively, impunity acts as a strong inhibitor of the right to freedom of expression, and the consequences for democracy, which depends on the free, open, and dynamic exchange of ideas and information, are particularly serious.

5. Although it is true that some States have increased legal protections for journalism in recent decades, including with the creation of special protection programs, strengthening of the judiciary’s independence and technical training, and creation of specialized investigative bodies and judges, the truth is that in many places, these guarantees have been seriously compromised. Effectively, the murders of and serious attacks on journalists continue to be particularly concerning, and at a regional level there do not seem to be sufficient and adequate measures for protecting at-risk communicators and once and for all dealing with the lack of justice for victims. Likewise, phenomena such as the increase in extremely violent criminal organizations (that not only intimidate the population

but, in some places, are even able to terrorize and infiltrate the authorities themselves) and allegations of local corruption have to a very worrying degree threatened the exercise of journalism.

6. The information collected by the Office of the Special Rapporteur indicates that this situation of violence and impunity has worsened in recent years in some parts of the region. According to reported data, from January 1, 2010, to November 1, 2013, at least 78 journalists and media workers in the region were murdered for reasons that could be related to their jobs. Dozens more have been disappeared or fired from their jobs, while hundreds others were threatened, harassed, or attacked in retaliation for their professional activities.

7. The motives behind the violence against journalists in the region are complex. According to information received in some cases, this type of violence is still perpetrated by State actors, especially in the context of public safety operations and public demonstrations, or in cases involving allegations of corruption or illegal acts committed by authorities, local authorities in particular. Nevertheless, in recent years, the number and size of criminal organizations has increased, including drug trafficking cartels and other organized crime groups. These currently represent one of the main threats journalists face to their lives and integrity.

8. In some places, State institutions are too weak to respond effectively to threats from organized crime. The weakness of State institutions leaves journalists without effective protection from attacks by organized crime, and the immediate effect is self-censorship. A second challenge to protecting journalists from organized crime is that in some places, the local institutions themselves are infiltrated or captured by criminal groups. In that context, journalists are threatened both by organized crime and by the government officials who have been charged with defending them, placing them in a grave situation of vulnerability. A third situation that seriously compromises the safety of journalists in areas affected by organized crime is when State authorities combat organized crime using institutions standards of action that are not appropriate or that act with a “war” mentality (friend-enemy) that identifies media critical of them with the enemy they are fighting.

9. Despite the seriousness the violence perpetrated against journalists to prevent them from informing society on matters that are notably in the public interest, the situation of impunity has not improved. A study done by the Office of the Special Rapporteur on murders of journalists committed from 1995 to 2005 confirmed that most of the investigations were moving very slowly and there were serious problems that prevented proper and timely collection of relevant evidence. Shortcomings were also noted in the logic of investigations and in the exploration of possible patterns. A number of the investigations faced obstacles and obstructions that negatively affected the level of diligence and effectiveness with which they were pursued. The majority of the investigations had not concluded. Likewise, cases were few in which any of those responsible were identified, and in only exceptional cases were the masterminds identified. Also, very few investigations concluded with convictions, and in a number of the cases that did, the sentences had not yet been executed.

III. Violence against journalists: International standards and domestic practices

10. Violence against journalists violates the rights to personal integrity, life, and freedom of thought and expression of journalists, their peers, and society as a whole. Likewise, a lack of due diligence in the investigation, prosecution, and punishment of those responsible can generate additional violations of the rights to access to justice and judicial guarantees of those affected and their relatives. Effectively guaranteeing these rights requires both positive and negative obligations. It could be argued

that the fundamental rights of individuals under a State's jurisdiction can be violated by the actions of State agents, and even conduct perpetrated by third parties when not diligently investigated will result in State responsibility due to its failure to comply with an obligation to ensure protection.

11. Regarding the *negative* obligations, pursuant to the principles of international law, the State is responsible for all acts and omissions involving its agents in the exercise of their duties, including when they exceed the limits of their authority. The Member States of the OAS are required to ensure that their agents do not violate the rights to life and personal integrity. That is, States have an obligation to refrain from actions that could directly violate those rights, such as committing acts of violence. Cases continue to emerge in the region of acts of violence committed against journalists by State agents, especially in the context of police or military actions intended to fight crime or control demonstrations, as well as in cases of allegations of corruption or illegality against local authorities. Likewise, and as noted, the allegations received demonstrate that, generally speaking, many of the most serious acts against journalists in the Americas today – including homicides, disappearances, kidnappings, and armed attacks on media – are committed by non-State actors, especially by powerful criminal groups.

12. Regarding violence against journalists and other individuals because of the exercise of freedom of expression, the Office of the Special Rapporteur has highlighted the importance of three positive obligations emanating from the rights to life, personal integrity, and freedom of expression. To wit: the obligation to prevent; the obligation to protect; and the obligation to investigate, try, and criminally punish those responsible for these crimes. As the Office of the Special Rapporteur has indicated, these obligations are reciprocal: in order to have free, robust, and unrestricted democratic debate, violence against journalists must be fought using a comprehensive policy for prevention, protection, and administration of justice.

A. Obligation to prevent.

13. States have an obligation to adopt measures to prevent violence against journalists and media workers. This obligation is particularly important in countries where there is a risk that these incidents take place and in specific situations in which the authorities know or should know there is a real and immediate risk that crimes are committed. In countries or regions where journalists are in a special situation of vulnerability due to the context of violence directed at that particular group, the State's obligations to prevent and protect is even greater. In this sense, the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity indicates that promoting journalist safety and fighting impunity should not be limited to taking measures after incidents have occurred. On the contrary, preventative mechanisms and measures are needed in order to resolve some of the deep-seated causes of violence against journalists and impunity.

1. Obligation to adopt language that contributes to preventing violence against journalists

14. The Inter-American Court has found that the obligation to guarantee the rights of freedom of expression and personal integrity requires public officials to refrain from making statements that expose journalists and media workers to a great risk of acts of violence. The Office of the Special Rapporteur has similarly indicated that government officials are responsible for ensuring their public speech does not expose journalists to greater risk of violence. In this regard, the Office of the Special Rapporteur has noted that, among other things, a simple but highly effective measure of protection is for the most senior State authorities to recognize – constantly, clearly, publically, and firmly – the

legitimacy and value of journalism work, even when the information disseminated is critical of, uncomfortable for, or badly-timed for the government's interests. It is likewise crucial for authorities to emphatically condemn attacks on journalists and encourage the competent authorities to act with all due diligence and speed in resolving the facts and punishing those responsible.

2. Obligation to train security forces on respect for the media

15. Properly training State security forces on the role of the media in a democratic society constitutes an important step toward preventing violence against journalists and media workers. For this reason, the Office of the Special Rapporteur has recommended that States adopt adequate mechanisms to prevent violence against those who work in media. Those measures should include training for public officials, especially police and security forces, and if necessary, States should adopt conduct guidelines on respect for freedom of expression. In this sense, the report mentions good practices on this issue, including the memorandum adopted by the New York City Police Department.

3. Obligation to respect the right of journalists to keep their personal and professional sources, notes, and files confidential

16. The right of journalists to keep their sources' identities confidential helps ensure sources' lives are not threatened for being potential witnesses. Protection of confidential sources not only contributes to the fundamental role of the media as watchdogs but also helps prevent journalists from becoming victims of acts of violence due to a source's fear of being identified. For this reason, it should be ensured that, for example, no public official violates this confidentiality. The report highlights the court rulings that have protected this important guarantee.

4. Obligation to punish violence against journalists

17. As developed in the section of the report on the obligation to investigate, try, and criminally punish, in order to prevent violence against journalists and media workers, it is indispensable for legal systems to punish this conduct in a manner that is proportional to the damage committed. On this subject, the report highlights best practices such as the criminal reforms in Mexico and Colombia that establish special punishments for some crimes committed against journalists.

5. Obligation to keep accurate statistics on violence against journalists

18. Understanding the magnitude and form of acts of violence against journalists and media workers is fundamental for being able to implement effective policies of prevention, such as, for example, the design of trustworthy risk maps. In general, the IACHR has emphasized that State authorities must produce high-quality data that can be used to adequately plan the different operations of the police forces, so as to favor preventative actions as opposed to repressive ones. The design and up-to-date maintenance of trustworthy statistics and indicators on the different factors that contribute to violent or criminal acts constitute an irreplaceable tool for the implementation of an adequate process of strategic planning, which is a key piece of any public policy. Currently, despite the increase in violence against journalists, the majority of States in the region do not produce this type of statistics. As a consequence, it is not easy to design an adequate policy for preventing violence of this kind. At a minimum, the statistics must include the name, gender, and employer of the victim; the place, date, and circumstances of the attack; the type of crime committed (homicide, kidnapping, etc.); the source or type of work of the person who was attacked; the existence of prior threats; the person and/or group

allegedly responsible (when known); the authority in charge of the investigation; and the case file number of the investigation, along with the current status of the investigation and/or legal process.

B. Obligation to prevent

1. The obligation to protect at-risk journalists and media workers

19. Pursuant to the human rights laws of the inter-American system, States have an obligation to protect those who face special risk to their fundamental rights. The obligation to adopt specific measures of protection is dependent on the knowledge that there is a situation of real or imminent risk to a particular individual or group of individuals and reasonable possibility of preventing or avoiding harm. In this sense, the obligation to protect an at-risk journalist can be satisfied through the individual application of the measures necessary to ensure, among other things, the beneficiaries' right to life, to personal integrity and to freedom of expression. However, when a particular country faces a systematic and grave structural situation of violence against journalists and media workers, States must establish special protection programs in order to serve these groups.

20. The Office of the Special Rapporteur notes that it is important for the programs for protection to take into account the need to guarantee that communicators are able to continue to perform their journalistic activities, as well as take into account the specific needs of the profession (such as the privacy necessary to meet with sources) when designing the protective measures available. The programs should do this while taking into consideration the circumstances of each specific case and in consultation with the potential beneficiary. Likewise, it is crucial for risk studies and decisions on the adoption of protective measures to be carried out taking into account the content of the journalistic work and the investigations that the potential beneficiary or the media outlet to which he or she belongs is carrying out.

21. In particular, special note should be taken of the importance of ensuring the financial resources and personnel necessary for operating those protection program; ensuring effective coordination between the entities responsible for adopting preventative and protective measures and administering justice; guaranteeing effective participation of civil society and beneficiaries in the operating of the program; and performing adequate risk evaluations to determine the most effective way to protect beneficiaries, taking into account the specific circumstances of the context and adopting ideal and effective measures tailored specifically to protect both the lives and integrity of the beneficiaries and that allow the beneficiaries to continue their professional activities.

2. Special mechanisms of protection for journalists and media workers in place throughout the region

22. In the region, some countries - like Colombia - have established special programs for protecting journalists. In the case of Colombia, the program for the protection of journalists, which has been in place since 2000, is the oldest and best established in the region. Likewise, other countries have taken measures to include journalists and media workers as beneficiaries of pre-existing programs for protection. In this sense, the report makes reference to the mechanisms for protection created most recently in the region, for example in Mexico and Brazil.

C. Obligation to investigate, try, and criminally punish

23. The third and final element of a comprehensive State policy to address violence against journalists is the investigation, prosecution and punishment of those who commit such acts of violence. The Office of the Special Rapporteur has repeatedly urged States to perform serious, impartial and effective investigations into the murders, attacks, threats and acts of intimidation committed against journalists and media workers.

24. States have a duty to investigate, identify, try and punish all the perpetrators of these crimes, including the direct perpetrators, the masterminds, accessories, collaborators, and those who cover up the human rights violations that were committed.

25. For the Inter-American Court, lack of compliance with the obligation to investigate incidents of violence against journalists also represents a failure to fulfill the obligations to respect and guarantee the right to freedom of thought and expression.

26. Unfortunately, it is unusual in the Americas for the whole range of individuals involved in the murder of a journalist to be brought to trial. In its *Special Study on the Status of Investigations into the Murder of Journalists*, the Office of the Special Rapporteur found that in the vast majority of these cases, investigations have not been completed, and in the majority of the cases, the masterminds were not identified. A conviction of any kind was handed down in only 32 out of the 157 cases, and only in four cases where the masterminds convicted.

27. Explanations for the generalized impunity seen in cases of violence against journalists vary. In some cases, it is possible to point to deficiencies in the law, such as amnesty laws or the disproportionate granting of leniency. There may also be institutional failings, such as a lack of technical capacity, adequate resources and specialized personnel in investigative bodies. The majority of the countries in the region have not put special protocols in place requiring authorities to exhaust the line of investigation into the exercise of the profession as a factor in cases of crimes committed against journalists. This presents an obstacle to the criminal prosecution of these crimes and is a special factor in the impunity of masterminds. Delays, omissions and failures in the timely and adequate carrying out of evidence procedures, especially with regard to initial investigative steps - such as crime scene analysis, the examination of the corpus delicti and the collection of statements from witnesses - are elements that can contribute considerably to impunity in individual cases. Likewise, another fundamental factor in many cases is the lack of independence and impartiality of the authorities responsible for pursuing the investigations and corresponding legal proceedings. This phenomenon is especially concerning in cases in which the security forces or State authorities are suspected to have participated in the crimes committed.

28. However, the complexity of this phenomenon suggests that other factors may also come into play, including a lack of political will to launch effective investigations or even the existence of a culture of intolerance toward criticism, or the tacit acceptance of the crimes committed, especially in cases in which the violence is committed against journalists who allege corruption among state authorities.

29. Finally, there are other considerably relevant social factors that cannot be ignored and that have to do with the existence of powerful criminal groups that, in some places, may seriously weaken the State's capacity to defend, guarantee and promote human rights. No doubt, in areas with a strong organized crime presence, another important factor is the improper influence exercised over the judicial system through intimidation, and in some cases the complicity of police officers, prosecutors and

judges, as well as witnesses and civilian parties. In that sense, the lack of protective measures and adequate investigation into attacks on or even murders of witnesses, individuals linked to the investigation or the alleged perpetrators presents a significant obstacle to establishing the facts and the possibility of criminally prosecuting those responsible.

1. Obligation to adopt an adequate institutional framework that allows for the effective investigation, trial, and punishment of violence against journalists.

30. The existence of an adequate institutional framework is crucial for States to be able to investigate, try and criminally punish crimes against journalists. In this sense, States have the obligation to guarantee that institutional frameworks are not designed so as to lead to or even encourage impunity when these crimes take place.

31. The first determining factor for complying with this obligation is assigning the responsibility to investigate and try these crimes to the authorities that will best be able to resolve them and that are autonomous and independent. States must ensure not only the hierarchical and institutional independence of the authorities responsible for moving the investigations and judicial proceedings forward, but also that their independence can be verified in practice in the case in question. In particular, the bodies of the inter-American system have repeatedly indicated that when State security services are alleged to have committed human rights violations, including acts of violence against journalists, under no circumstance can these cases be investigated and brought to trial under the military justice system. When local authorities have a limited investigative capacity and/or are more exposed to pressure from the criminal organizations that attack journalists, the potential for exercising federal jurisdiction is especially important. In States with centralized governments, pertinent law must allow the assignation of competency to investigate and punish these cases to authorities outside the sphere of influence of the officials being accused or the reach of the criminal organization concerned. In this sense, the report mentions the best practices in the region of countries that have implemented legal reforms that allow the investigation and trial of crimes committed against journalists to not be carried out by local authorities, as for example in the case of Mexico.

32. The second element of that obligation is the duty to clearly define the formal jurisdiction of the authorities in charge of investigating and processing these crimes. This obligation is especially fundamental for defining the authority to assert jurisdiction for those cases in which the domestic legal context allows for the possibility of federal authorities or authorities from a different jurisdiction taking over an investigation.

33. Third, necessary measures must be adopted to protect judges, prosecutors, witnesses, and other individuals who take part in criminal investigations in order to protect them from external pressures, including threats, attacks, and other forms of intimidation.

34. Fourth, opportunities must be provided for sufficient training of investigative police officers, prosecutors and judges to ensure that investigations into crimes against freedom of expression are exhaustive, rigorous and effective, and that all aspects of these crimes are minutely examined.

35. Likewise, for the success of investigations into crimes against freedom of expression, investigators should receive sufficient human, financial, logistical and scientific resources to collect, secure and evaluate evidence and carry out other tasks necessary for determining responsibility.

36. Finally, in contexts in which there is a continual risk of acts of violence against journalists and impunity prevails, States should create specialized investigative units in charge of investigating crimes against freedom of expression.

2. Obligation to act with due diligence and exhaust lines of investigation connected to the victim's exercise of journalism

37. The Inter-American Court has highlighted that the obligation of due diligence means that criminal investigations must exhaust all logical lines of investigation. In particular, "due diligence" requires that investigations pursued by the State take into account the complexity of the facts, the context in which they took place, and the patterns that explain them, ensuring that nothing was left out as the evidence was collected and logical lines of investigation are followed. This aspect is crucial for States to fulfill their duty, indicated previously, to investigate, criminally prosecute, and punish the perpetrators and masterminds.

38. The obligation to investigate with due diligence and exhaust all logical lines of inquiry is especially relevant in cases of violence against journalists, given that an investigation that does not look into issues related to context - such as the professional activity of the journalist - is less likely to get results and will probably raise questions as to the authorities' willingness to solve the crime.

3. Obligation to investigate within a reasonable period of time

39. In a number of its rulings, the Inter-American Court has established that excessive delay in the investigation of acts of violence can constitute a *per se* violation of judicial guarantees. The authorities responsible for the investigation must act quickly, avoiding unjustified delays that would lead to impunity and violate due judicial protection of the right

4. Obligation to remove legal obstacles to the investigation and effective and proportional punishment of the most serious crimes against journalists

40. The IACHR has called special attention to the use of general amnesty laws to block the investigation of grave human rights violations committed against journalists. Likewise, a number of international organizations have also expressed concern at the effect that prescription provisions have had on the criminal investigation and punishment of the most serious crimes committed against journalists for exercising their profession. States also have a duty to guarantee that punishments applied to individuals convicted of acts of violence committed against journalists and media workers over the exercise of their profession be proportionate and effective. In this sense, the Inter-American Court has determined that in order for the State to satisfy its obligation to investigate, try and, where applicable, punish and provide redress for grave human rights violations committed under its jurisdiction, it must observe the principle, (among others) of the proportionality of the punishment and serving of the sentence. Although the existence of leniency for sentences is legitimate in a democratic society, its application in this case, especially to serious acts of violence such as murder, torture and forced disappearance, must take place pursuant to the parameters established by international human rights law. On this point, the report mentions some best practices, such as for example the criminal reform in Colombia that increased the prescription period for homicides committed against journalists.

5. Obligation to facilitate victim participation

41. Inter-American human rights law requires States to ensure that victims of human rights violations or their relatives have full access and agency at all stages and levels of the investigation and in the corresponding trial, pursuant to domestic law and the provisions of the American Convention. This must include ample opportunity to participate and be heard, both in the clearing up of the facts and the punishment of those responsible, as well as in the search for just compensation.

D. State obligations with regard to journalists in social conflict situations

42. The Inter-American Commission has paid special attention to the situation of journalists reporting on situations of social conflict given the particular degree of risk they face. The Office of the Special Rapporteur has found that in places of exacerbated social tension, groups of civilians of all political persuasions have attacked communicators affiliated with media outlets that do not share their point of view. At the same time, the Office of the Special Rapporteur has found that the majority of States do not have special protocols in place for protecting the press in circumstances of social conflict and has found that a significant number of attacks on communicators during protests and public demonstrations have taken place.

43. Consequently, States have a duty to guarantee that journalists and communicators working during public demonstrations and situations of significant social conflict are not detained, threatened, attacked, or limited in any way with regard to their rights as a result of exercising their professions. Journalists' material and equipment shall neither be destroyed nor confiscated by government authorities. Likewise, the State shall neither prohibit nor criminalize live broadcasts of events and should refrain from imposing measures that regulate or limit the free circulation of information over the Internet and other communications platforms. In these contexts, the State's obligation to respect the right of journalists to the confidentiality of their sources, notes and personal and professional files is especially important. Likewise, the authorities must understand that their statements cannot be construed as direct or indirect interference with the rights of those seeking to contribute to the public debate. It is crucial for authorities to energetically condemn attacks on journalists and communicators under these circumstances and act with due diligence and swiftness in clearing up the facts and punishing those responsible.

44. The Office of the Special Rapporteur observes that media outlets, society organizations and other actors can play a fundamental role in the prevention of violence against journalists and in their protection in these contexts through actions including training and self protection courses for situations involving demonstrations and social conflict. In this sense, civil society organizations have developed self protection manuals specifically for journalists covering these situations.

E. State obligations regarding journalists in situations of armed conflict

45. Armed conflict is an especially serious form of social conflict. In this regard, the Office of the Special Rapporteur has said that where internal armed conflict persists, the aggressiveness and intolerance that are characteristic of armed actors will continue to present a very serious threat to the lives and integrity of journalists, critics and dissidents. Likewise, the IACHR has recognized that visiting communities affected by armed conflict, documenting living conditions, and collecting statements and allegations of human rights violations perpetrated by authorities is part of the range of journalism activities covered by the right to freedom of expression; any attack or retaliation by the authorities as a result of the exercise of these activities is a violation of the right to freedom of thought and expression.

46. Despite the fact that they expose themselves to the risks of the conflict, journalists covering situations of armed conflict do not lose their status as civilians. They are therefore still protected by the applicable guarantees of international humanitarian law and international human rights law - particularly the guarantees derived from the principle of distinction. Also especially important in situations of armed conflict are States' obligations to respect the right of journalists to the confidentiality of their sources, to adopt public discourse that contributes to preventing violence against journalists, and to instruct the armed forces and security forces on the role of the media in a democratic society. On this point, the report mentions some best practices, such as for example Directive No. 19/2010, addressed to Colombia's armed forces.

F. Violence against women journalists

47. The Inter-American standards and domestic practices on the prevention of violence against journalists set forth so far highlight the issue of the necessity of a State policy designed to address factors that cause this violence according to social context and its consequences for the lives of those affected. One relevant aspect of this work is examining the situation of women who exercise journalism in our region and the multiple and specific risks that they face as a result of their exercise of their right to freedom of expression. This means understanding how gender inequality and sexist practices manifest themselves in the phenomenon of violence against journalists. This in turn allows us to define adequate measures of prevention, protection and administration of justice.

48. The information collected by the Office of the Special Rapporteur on violence against women journalists due to the work that they do has certain particularities due to gender constructs and the discrimination to which women have traditionally been subjected. This violence is expressed in different ways, from murder and sexual violence (including sexual harassment) to intimidation, abuse of power, and gender-based threats. According to available information, violence against women is perpetrated by different actors, including State officials, sources, and colleagues. It takes place in different contexts and spaces, including the street, the workplace, and State offices and institutions.

49. There is little documentation on the situation of women journalists and the violence that they face as a result of the exercise of their profession the Americas. In general, poor funding and a lack of coordination between information systems to collect statistics on incidents in cases of violence against women has been identified by the IACHR as a relevant obstacle to examining the causes of this phenomenon and relevant trends.

50. States have an obligation to prevent and protect and to investigate, try and punish those responsible for these crimes. According to inter-American case law, in cases of violence against women, in addition to the general obligations above indicated, States also have a particularly strong obligation to act with due diligence pursuant to existing provisions on the subject of the rights of women, such as the Convention of Belem do Para.

51. Likewise, States have an obligation to adopt protective measures in specific cases in which individual journalists are at special risk of becoming victims of violence. In this task, States must take into consideration the specific risk of violations to their human rights that different groups of women face as a result of the intersection of other different reasons for discrimination, including race, ethnicity, age, sexual orientation, and others.

52. As far as the obligation to investigate, it is relevant to highlight that it has additional scope in cases of crimes committed against women journalists. In all cases, it is crucial for the authorities in charge to be duly trained on issues of gender.

G. The role of other actors: Third-party States, media outlets and NGOs.

53. The Office of the Special Rapporteur believes it pertinent to mention the significant role that other actors can play in the work of preventing and punishing violence against journalists.

54. The international community is a crucial actor in the protection of journalists, particularly those third-party States where an at-risk journalist has fled or seeks to be received in order to escape an imminent threat to his or her life or safety. Bilateral and multilateral cooperation should focus a significant portion of its efforts on the defense of journalists and human rights defenders, including financial resources to guarantee their protection, technical assistance to aid with ongoing investigations, and international solidarity in the sheltering of journalists or activists who have been displaced individually or with their families as a result of their opinions, allegations or investigations.

55. Another actor playing a key role in journalists' safety are media outlets themselves. In this sense, the Office of the Special Rapporteur has urged the owners of media outlets to "provide appropriate support to journalists, including security protocols and the training required to minimize the risks" for their safety. In addition to the security measures taken by media organizations, experience in the region demonstrates that solidarity and cooperation among media outlets can make a notable contribution to the safety of journalists. Likewise, in media systems that allow it, media and journalist organizations can play an important role as civil or intervenor parties. The Office of the Special Rapporteur also observes that by voluntarily following rules and codes of ethics, journalist and media outlets have a generally positive impact on their safety and diminishing violence against them.

56. The third actor who plays a valuable role in the prevention of attacks, the protection of journalists, and the struggle against impunity in crimes against journalists is civil society and its various organizations. Generally speaking, local and international organizations play a fundamental role by monitoring the measures taken by States with regard to their duties to prevent crimes against journalists, protect journalists, investigate crimes, and punish those responsible for them. In many countries, the monitoring work of these organizations constitutes the only source of statistics on violence against journalists. Likewise, civil society organizations can play an important role by counseling journalists and media outlets so that they are able to access their States' preventative and protective mechanisms and the precautionary measures handed down by international bodies. Legal counsel provided by civil society organizations not only in the design and implementation of preventative and protective measures, but also during the criminal prosecution of attacks against journalists is also crucial, especially in legal systems that allow the victim to act as a civil or auxiliary party in criminal proceedings. A variety of organizations have also developed guides and security codes for communicators.

IV. Conclusions and recommendations

57. Acts of violence against journalists have a threefold effect: They violate the right of victims to express and disseminate their ideas, opinions and information; they have a chilling and silencing effect on their peers; and they violate the right of citizens and society in general to seek and

receive information and ideas of any kind. Its consequences for democracy - which depends on the free, open and dynamic exchange of ideas and information - are particularly serious.

58. The Office of the Special Rapporteur ends its report with a conclusion and a series of recommendations. The purpose is to start a dialog among member States that will improve conditions for the exercise of the right to freedom of expression in the region as a whole:

- a. Adopt adequate measures of prevention to stop violence against communicators, including public condemnation of all acts of aggression, refraining from making statements that may increase the risk faced by journalists; have respect for journalists' right to confidentiality for their sources; provide training for public officials, police and security forces in particular, and where necessary, adopt conduct guidelines on respect for freedom of expression; establish adequate punishments proportional to the damage committed; and gather of precise statistics on violence against journalists.
- b. Adopt the measures necessary to ensure the safety of those facing special risk due to the exercise of their right to freedom of expression, whether the threat comes from State agents or private parties. The protection measures or programs must be adequate and sufficient for fulfilling their purpose, in keeping with the standards expressed in this report.
- c. Perform serious, impartial, and effective investigations into the murders, attacks, threats, and acts of intimidation committed against journalists and media workers, in keeping with the contents of this report. This assumes the existence of special investigation units and protocols, as well as the identification and exhaustion of all possible leads that would connect an attack to a victim's professional activities.
- d. Bring those responsible for murders, attacks, threats and acts of intimidation in retaliation for the exercise of freedom of expression before impartial and independent courts. Remove all legal obstacles to the investigation and punish these crimes, ensuring that the victims and their relatives can participate as broadly as possible in the investigation and court proceedings. Provide adequate reparation and eliminate gender barriers that block access to justice.
- e. Adopt the measures necessary for those who work in the media and must be displaced or exiled because of a situation of risk to be able to return to their homes in safety. When it is not possible for these people to return, States must adopt measures that allow them to remain in the place of their choosing in dignified conditions, in safety and with the financial support necessary to allow them to continue in their work and support family life.
- f. Adopt special measures to protect the journalists covering situations of armed conflict and serious social conflict. Guarantee they are not detained, threatened or attacked, and ensure that their rights are not limited in any way for exercising their professions, and that their work material and tools are not destroyed or confiscated by government authorities, pursuant to the findings of this report and the preparation of special guidelines to protect the media in circumstances of social conflict.

- g. Adopt specific, adequate and effective measures for preventing attacks and other forms of violence perpetrated against women journalists and to bring to trial and punish those responsible. The State must adopt effective measures for promoting the denunciation of violence against women journalists and struggling against the impunity that characterizes these crimes.