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VOLUME II

ANNUAL REPORT OF THE OFFICE OF THE SPECIAL
RAPPORTEUR FOR FREEDOM OF EXPRESSION



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VOLUME II

ANNUAL REPORT OF THE OFFICE OF THE SPECIAL
RAPPORTEUR FOR FREEDOM OF EXPRESSION

Pedro Vaca Villarreal

Special Rapporteur for Freedom of Expression



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EXPRESSION****2023****INDEX**

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TABLE OF ACRONYMS AND REFERENCES

| | |
|-----------------------------------|--|
| ACHRP: | African Commission on Human and Peoples' Rights |
| American Convention: | American Convention on Human Rights |
| American Declaration: | American Declaration of the Rights and Duties of Man |
| European Convention: | European Convention on Human Rights and Fundamental Freedoms |
| European Court: | European Court of Human Rights |
| IACHR: | Inter-American Commission on Human Rights |
| ICCPR: | International Covenant on Civil and Political Rights |
| ILO: | International Labor Organization |
| Inter-American Court: | Inter-American Court of Human Rights |
| OAS: | Organization of American States |
| OSCE: | Organization for Security and Cooperation in Europe |
| Office of the Special Rapporteur: | Office of the Special Rapporteur for Freedom of Expression |
| UN: | United Nations |
| UNESCO: | United Nations Educational, Scientific and Cultural Organization |

CHAPTER I: GENERAL INFORMATION

A. Creation of the Office of the Special Rapporteur for Freedom of Expression and institutional support

1. The Office of the Special Rapporteur for Freedom of Expression was created in October 1997, during the 97th Session of the Inter-American Commission on Human Rights, by unanimous decision of its members. It was established as a permanent and independent office that acts within the framework and with the support of the IACHR. With this, it sought to stimulate the hemispheric defense of the right to freedom of thought and expression, considering its fundamental role in the consolidation and development of the democratic system, as well as in the protection, guarantee and promotion of other human rights. At its 98th Period of Sessions, held in March 1998, the IACHR defined in general terms the characteristics and functions of the Special Rapporteurship and decided to create a voluntary fund for its economic assistance.

2. The IACHR's initiative to create a permanent Special Rapporteurship found full support in the OAS Member States. Indeed, during the Second Summit of the Americas, the Heads of State and Government recognized the fundamental role of the right to freedom of thought and expression, and expressed their satisfaction with the creation of the Special Rapporteurship. Since then, both the Summit of the Americas and the OAS General Assembly have expressed their support for the work of the Special Rapporteurship and have entrusted it with the follow-up or analysis of some of the rights that make up freedom of expression, as well as the monitoring and promotion of the right of access to public information¹. In recent years, the OAS General Assembly has expanded the agenda of objectives of the Office of the Special Rapporteur in accordance with the situation of the right to freedom of expression in the region.

3. In the framework of the VIII Summit of the Americas, held on April 13 and 14, 2018 in Lima, Peru, the commitment to "Democratic Governance in the Face of Corruption" was adopted through which the representatives of the participating States committed to continue strengthening various anti-corruption measures such as strengthening transparency bodies and access to public information, protection for whistleblowers and journalists against threats and reprisals for investigating or reporting on acts of corruption².

4. In 2018, the IACHR adopted Resolution 1/18, on "Corruption and Human Rights", through which it recommends States to carry out a series of measures to strengthen access to public information as a key tool in the fight against corruption, protection of journalists and the media, among others³.

¹ In the area of freedom of expression, the OAS General Assembly adopted resolutions in different years reaffirming the right to freedom of expression and recognizing the important contributions of the Office of the Special Rapporteur for Freedom of Expression, as well as calling on the States to follow the recommendations of the Office expressed in the annual reports. In 2005, it adopted resolution 2149 (XXXV-O/05); in 2006, resolution 2237 (XXXVI-O/06); in 2007, resolution 2287 (XXXVII-O/07); in 2008, resolution 2434 (XXXVIII-O/08); resolution 2523 (XXXIX-O/09); in 2011, resolution 2679 (XLI-O/11).

With respect to the right of access to public information, the OAS General Assembly has also made several pronouncements supporting the work of the Office of the Special Rapporteur and has urged the adoption of its recommendations. In 2003, it approved resolution 1932 (XXXIII-O/03); in 2004, resolution 2057 (XXXIV-O/04); in 2006, resolution 2252 (XXVI-O/06); in 2007, resolution 2288 (XXXVII-O/07); in 2008, resolution 2418 (XXXVIII-O/08); in 2009, resolution 2514 (XXXIX-O/09). In this resolution, the General Assembly instructed the Department of International Law to draft, with the cooperation of the Office of the Special Rapporteur, the Inter-American Juridical Committee, the Department of State Modernization and Good Governance, and with the cooperation of the member states and civil society, a Model Law on Access to Public Information and a Guide for its implementation, in accordance with international standards on the subject. In addition, in 2011, it approved resolution 2661 (XLI-O/11); in 2012, resolution AG/RES. 2727 (XLII-O/12); in 2013, resolution AG/RES. 2811 (XLIII-O/13); in 2014, resolution AG/RES. 2842 (XLIV-O/14); in 2016, it approved resolution AG/RES. 2885 (XLVI-O/16). In this resolution, it instructed the Office of the Special Rapporteur for Freedom of Expression to develop and disseminate the content of the inter-American legal framework on the right of access to information, including the Model Inter-American Law on Access to Public Information, by preparing reports on the scope of the right and the application of its principles. It also recommended that the Office of the Special Rapporteur assist member states and organize and participate in training programs for officials of national access to information authorities and justice operators.

² Summit of the Americas. Lima Commitment. "[Democratic Governance in the face of Corruption](#)." April 14, 2018.

³ IACHR. Resolution 1/18. [Corruption and Human Rights](#). March 16, 2018.

5. The OAS General Assembly through resolution 2928 (XLVIII-O/18) on "Promotion and Protection of Human Rights", entrusted the Office of the Special Rapporteur, in conjunction with other bodies, to prepare "a practical guide of recommendations to guarantee freedom of expression, access to information from various sources on the internet during the development of electoral processes, without undue interference"⁴. In 2017, the OAS General Assembly approved resolution AG/RES. 2908 (XLVII-O/17) on the right to freedom of thought and expression and the safety of journalists and media workers in the hemisphere. The proposal was presented by the delegation of Uruguay and co-sponsored by the delegations of Argentina, Bolivia, Chile, Costa Rica, Mexico, Peru and the Dominican Republic. The Office of the Special Rapporteur joins the commitment made by the States in this resolution to implement strategies and resources to put an end to the prevailing impunity for crimes against journalists.

6. Since its inception, the Office of the Special Rapporteur has also enjoyed the support of civil society organizations, the media, journalists and, above all, of individuals who have been victims of violations of their right to freedom of thought and expression, and their families.

7. During its 173rd period of sessions in Washington D.C., the IACHR approved the document Guidelines on the performance of the activities and functions provided for in the mandates of the Special Rapporteurships of the IACHR. For the first time, the special rapporteurships have a protocolized framework for action.

8. The OAS General Assembly, through resolution 2991 (LII-O/22) on "Promotion and Protection of Human Rights", mandated the Office of the Special Rapporteur to prepare, within existing resources and taking into account the contributions of multiple actors and rights holders, such as States, the private sector, academia, civil society and the technical community, an inter-American report on international standards, challenges and best practices on accessibility and digital inclusion, including a component on digital literacy and online content moderation, in order to guarantee and promote free and equal access, use and appropriation of the Internet and new information and communication technologies by all persons, in accordance with international obligations and norms.⁵

9. The IACHR announced on September 15, 2020 the selection of Pedro José Vaca Villarreal as Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights, taking office as of October 6, 2020 for a period of one year, renewable for two years depending on the availability of funds, in accordance with Article 15 of its Rules of Procedure. The selection was the result of a broad, open, transparent and participatory process. The call was published on January 13, 2020 and closed on March 13, 2020. Of the 81 applications received, the Commission selected ten finalists at its Internal Session on April 29, 2020. This list was compiled taking into account the criteria established in the call, as well as gender parity and the representation of the different regions of the Americas.⁶

10. At its meeting of March 14, 2023, the Inter-American Commission on Human Rights (IACHR) informed the OAS Secretary General of its decision to renew the mandate of Mr. Pedro Vaca Villarreal as Special Rapporteur for Freedom of Expression for an additional three-year period, which met with his approval.

11. On the occasion of the commemoration of the twenty-fifth anniversary and as part of the preparation of the 2023-2026 strategic plan led by Mr. Pedro Vaca Villarreal, the Office of the Special Rapporteur for Freedom of Expression, in accordance with the powers established in Article 41 of the American Convention and Article 18 of the Statute of the IACHR; in October 2023, requested information from the Member States on the rights, issues and cross-cutting themes prioritized with respect to the issues of freedom of expression and guarantee of this fundamental right. The Special Rapporteurship met on two occasions and exchanged highly relevant inputs with the following 15 member states: Argentina, Bolivia, Brazil, Chile, Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Panama, Paraguay, Peru, United

⁴ OAS. Resolution AG/RES. 2928 (XLVIII-O/18). [Promotion and Protection of Human Rights](#).

⁵ OAS. Resolution AG/RES. 2991 (LII-O/22). [Promotion and Protection of Human Rights](#).

⁶ IACHR. Press Releases: <http://www.oas.org/es/cidh/prensa/comunicados/2020/218.asp>

States, Dominican Republic and Uruguay; which contributed to the formulation and approval of the aforementioned strategic plan of the Office of the Special Rapporteur for Freedom of Expression.

B. Main activities of the Office of the Special Rapporteur

12. During its twenty-four years of existence, the Office of the Special Rapporteur has fulfilled in a timely and dedicated manner each of the tasks assigned to it by the IACHR and other OAS bodies such as the General Assembly.

13. This section provides a general summary of the tasks performed in 2023:

1) Petition and Case System

14. One of the most important functions of the Office of the Special Rapporteur is to advise the IACHR in the evaluation of individual petitions, and to prepare the corresponding reports.

15. The proper promotion of individual petitions, in addition to providing justice in the specific case, makes it possible to call attention to paradigmatic situations that affect freedom of thought and expression, and to create important jurisprudence applicable both by the inter-American system for the protection of human rights and by the courts of the countries of the region. Likewise, the system of individual cases constitutes an essential factor in the comprehensive strategy for the promotion and defense of freedom of thought and expression in the region, a strategy that the Office of the Special Rapporteur develops through the different work mechanisms offered by the inter-American system for the protection of human rights.

16. Likewise, the Office of the Special Rapporteur advises the IACHR in the presentation before the Inter-American Court of Human Rights (hereinafter "the Court" or "the Inter-American Court") of important individual cases on freedom of expression⁷.

17. In February 2023, the Inter-American Court of Human Rights notified the judgment in the case of *Baraona Bray vs Chile*. Judgment of November 24, 2022. The Inter-American Court of Human Rights issued a judgment declaring the international responsibility of the State of Chile for the violation of the right to freedom of thought and expression, to the detriment of the human rights defender Carlos Baraona Bray.

18. In 2003, the lawyer Carlos Baraona Bray made several statements to the media, in which he referred mainly to the fact that a senator from the Los Lagos Region exerted political pressure on the authorities in charge of alerce conservation to maintain a situation of illegal occupation in a property in the Region and not to stop illegal logging. The senator filed complaints and criminal proceedings were initiated against Carlos Baraona Bray for the crime of slander and serious libel. Finally, the judgment concluded that Mr. Baraona acted with the purpose of slander and did not make personal assessments, but rather statements that in no case represented specialized political criticism. The Court considered that the quality of human rights defender derives from the work performed, regardless of whether the person is a private individual or a public official, or whether the defense is exercised with respect to civil and political rights or economic, social, cultural and

⁷ Among the cases, Case of "The Last Temptation of Christ" (Olmedo Bustos et al.) v. Chile. Judgment of February 5, 2001; Case of Ivcher Bronstein v. Peru. Judgment of February 6, 2001; Case of Herrera Ulloa v. Costa Rica. Judgment of July 2, 2004; Case of Ricardo Canese v. Paraguay. Judgment of August 31, 2004; Case of Palamara Iribarne v. Chile. Judgment of November 22, 2005; Case of Claude Reyes et al. v. Chile. Judgment of September 19, 2006; Case of Kimel v. Argentina. Judgment of May 2, 2008; Case of Tristán Donoso v. Panama. Judgment of January 27, 2009; Case of Ríos et al. v. Venezuela. Judgment of January 28, 2009; Case of Perozo et al. v. Venezuela. Judgment of January 28, 2009; Case of Usón Ramírez v. Venezuela. Judgment of November 20, 2009; Case of Manuel Cepeda Vargas v. Colombia. Judgment of May 26, 2010; Case of Gomes Lund et al. v. Brazil. Judgment of November 24, 2010; Case of Fontevecchia and D'Amico v. Argentina. Judgment of November 29, 2011; Case of González Medina and Family Members v. Dominican Republic. Judgment of February 27, 2012; Case of Vélez Restrepo and Family Members v. Colombia. Judgment of September 3, 2012; Case of Uzcátegui et al. v. Venezuela. Judgment of September 3, 2012; Case of Norin Catriman and Others (leaders, members and activist of the Mapuche indigenous people) v. Chile. Judgment of May 29, 2014; Case of Granier et al. (Radio Caracas Televisión) v. Venezuela. Judgment of June 22, 2015; Case of López Lone et al. v. Honduras. Judgment of October 5, 2015; Case of I.V. v. Bolivia. Judgment of November 30, 2016; Case of Lagos del Campo v. Peru. Judgment of August 31, 2017.

environmental rights. Regarding freedom of thought and expression, it considered that in matters of public interest "it is a cornerstone in the very existence of a democratic society". It also considered that, in the exercise of the right to freedom of expression on matters of public interest, and in particular in relation to criticism directed at public officials, the criminal response is contrary to the American Convention.

19. The Court considered that, in the case of speech protected by its public interest, such as those referring to the conduct of public officials in the exercise of their functions, the punitive response of the State through criminal law is not conventionally appropriate to protect the honor of the official. However, in each specific case, the qualification of a speech as being in the public interest depends on the weighing of three elements -subjective, functional and material-, which gives criminal judges a considerable margin of discretion. This means that such an analysis cannot take place before criminal proceedings have been initiated, since a decision of this type only takes place after criminal proceedings have been initiated. Thus, even if the competent judicial authority decides that the criminal sanction is inapplicable, the chilling effect that affects freedom of expression would already have been produced. Finally, the Court noted that the Chilean legislation in force at the time of the facts did not establish an exception to the application to the crimes of libel and slander when it was speech of public interest in accordance with the standards developed in the Judgment.

2) *Precautionary Measures and Request for Provisional Measures*

20. During 2023, the Rapporteurship contributed to the study of 81 requests for precautionary measures. These include 5 grants/extensions of precautionary measures and 1 follow-up resolution, and 2 precautionary measures were lifted. At the same time, the Rapporteurship contributed with the request for 2 Provisional Measures before the IACHR Court, both of which were granted.

21. The Rapporteurship highlights the granting of precautionary measures in the context of the electoral processes in Ecuador and Guatemala. Following the assassination of presidential candidate Fernando Villavicencio in Ecuador, on August 20, 2023, the IACHR granted precautionary measures 646-23 in favor of Christian Gustavo Zurita Ron, journalist and presidential candidate who replaced Fernando Villavicencio's candidacy, and members of the electoral campaign team, Andrea González Nader, Ramón Antonio López Cobeña and Carlos Eduardo Figueroa Figueroa. The IACHR considered that they were in a serious and urgent situation of risk of irreparable harm to their rights in Ecuador, including the exercise of journalistic work. On October 30, 2023, the IACHR also decided to extend the precautionary measures in favor of Verónica Alexandra Sarauz Peñaranda, wife of the murdered presidential candidate, Fernando Villavicencio.

22. On the other hand, on August 24, 2023, in view of the existence of two plans to attempt against their lives and integrity, the IACHR granted precautionary measures to Bernardo Arévalo and Karin Herrera, presidential couple of the Semilla Movement, in Guatemala. In the context, it was also indicated that the presidential couple would be subject to stigmatization, harassment, harassment, public exposure of their personal information through virtual platforms.

23. Two other grants/extensions occurred in cases involving Peru. On July 24, 2023, the IACHR granted precautionary measures 341-23 in favor of Gustavo, director of IDL-Reporteros, in response to the escalation of anti-Semitic threats and demonstrations, in addition to the leaking and dissemination on social networks of his personal information, allegedly attributable to organized groups of individuals. Through the follow-up and extension of precautionary measures 576-21 on November 9, 2023, the IACHR has addressed the situation of prosecutors José Domingo Pérez and Rafael Ernesto Vela Barba.

24. On December 9, 2023, the IACHR published the follow-up resolution on precautionary measures MC 449-22, which originated from the murders of Bruno Pereira and Dom Philips in Brazil and which also includes as beneficiaries eleven identified members of the União dos Povos Indígenas do Vale do Javari (UNIVAJA). The Resolution formalizes the creation of an Action Plan of the Joint Working Group on the implementation of these precautionary measures.

25. Regarding the provisional measures that RELE acted upon, this Office highlights the granting of provisional measures by the IACHR Court in favor of the members of Radio "La Costeñísima" and their families in Nicaragua. Framed in a context of persecution against the independent press, the Court's Resolution of March 22, 2023, particularly evaluated the increased risk situation against members of Radio Costeñísima also due to gender and sexual orientation. The other request for provisional measures in which RELE acted in 2023 refers to the protection of Jorge Luis Salas Arenas, president of the National Jury of Elections of Peru, granted by the IACHR Court on September 4, 2023.

26. It should be noted that the granting of precautionary measures by the IACHR or provisional measures by the Inter-American Court does not constitute a prejudgment on the merits of the case. Precautionary measures arise from the need to adopt mechanisms to avoid serious, imminent and irremediable harm to any of the rights enshrined in the American Convention, or to maintain jurisdiction over the case, without the object of the case disappearing.

27. In this regard, it is also emphasized that the IACHR periodically evaluates the precautionary measures in force and the measures adopted by the State with respect to the recommendations, in order to maintain, modify or lift them.

3) *Public Hearings*

28. The IACHR receives several requests for hearings and working meetings on freedom of expression during its sessions. The Office of the Special Rapporteur participates actively in the hearings on freedom of expression, preparing reports and making interventions and follow-up.

29. In 2023, the Office of the Special Rapporteur participated in the following hearings:

| 2023 | | | | |
|------|-------------------|----------------|--|-----------|
| N° | IACHR Session No. | State/Regional | Title | Date |
| 1 | 186 | Venezuela | Monitoring of precautionary measures for beneficiaries deprived of liberty in Venezuela. | 06-Mar-23 |
| 2 | | Regional | Right to information of relatives of victims of forced disappearance in the region. | 07-Mar-23 |
| 3 | | Jamaica | Human rights of indigenous Taino and Maroon peoples in Jamaica. | 07-Mar-23 |
| 4 | | Brazil | Reproductive rights and violence against women and girls in Brazil. | 08-Mar-23 |
| 5 | | Brazil | Case 12.781 - Povos Indígenas de Raposa Serra do Sol vs Brazil. | 08-Mar-23 |
| 6 | | Regional | Protection of human rights defenders and journalists. | 08-Mar-23 |
| 7 | | Cuba | Right to movement of persons in Cuba. | 09-Mar-23 |
| 8 | | Regional | Threat to judicial independence in Central and South America. | 09-Mar-23 |
| 9 | | El Salvador | Right to identity of trans persons in El Salvador. | 10-Mar-23 |
| 10 | | Nicaragua | Arbitrary deprivation of nationality and human rights violations in Nicaragua. | 10-Mar-23 |
| 11 | 187 | Argentina | Human rights of indigenous peoples in Argentina. | 10-Jul-23 |
| 12 | | Canada | Human rights situation of Wet'suwet'en Indigenous Peoples in Canada. | 10-Jul-23 |
| 13 | | Brazil | Human rights and the use of facial recognition technologies in Brazil. | 11-Jul-23 |
| 14 | | Regional | Prosecution of matters of public interest against persons exercising freedom of expression ("SLAPPs") in the region. | 12-Jul-23 |
| 15 | | Haiti | Situation of human rights in Haiti in the context of the humanitarian and citizen security crisis. | 13-Jul-23 |
| 16 | | El Salvador | Human rights and states of exception in El Salvador. | 14-Jul-23 |
| 17 | 188 | Ecuador | Situation of freedom of expression and lack of guarantees in coverage. | 06-Nov-23 |
| 18 | | Regional | Community and indigenous media. | 06-Nov-23 |
| 19 | | Honduras | Status of the mechanism for the protection of human rights defenders. | 07-Nov-23 |
| 20 | | Cuba | Freedom of expression and of the press within the framework of the new Social Communication Law. | 07-Nov-23 |
| 21 | | Venezuela | Closure of civic spaces. | 08-Nov-23 |
| 22 | | Guatemala | Human rights defenders and justice operators faced with the criminal justice system. | 08-Nov-23 |
| 23 | | Mexico | Constitutional guarantor of the right of access to information and protection of personal data. | 09-Nov-23 |
| 24 | | Regional | Use of force in social protests. | 09-Nov-23 |
| 25 | | Peru | Follow-up ¹¹ to the recommendations of the Country Report 2023 in the context of social protests. | 10-Nov-23 |

4) Seminars and workshops with strategic stakeholders in the region

30. Seminars, workshops and training are a fundamental tool for the Office of the Special Rapporteur in its task of promoting the inter-American system for the protection of human rights and the right to freedom of expression. Over the past twenty-four (24) years, the Office of the Special Rapporteur has organized seminars on several occasions throughout the region with the cooperation of universities, governmental institutions and non-governmental organizations.

31. Hundreds of journalists, lawyers, university professors, judges, members of the Public Prosecutor's Office, communication and law students, among others, attend these trainings given by staff of the Office of the Special Rapporteur, both in the capitals of the countries and in the most remote regions, where there is often no access to information on the guarantees that can be invoked to protect the right to freedom of thought and expression.

32. Meetings with stakeholders enhance the possibility that more people will use the Inter-American Human Rights System to raise their problems and present their complaints. Likewise, the seminars expand the network of contacts of the Office of the Special Rapporteur. On the other hand, the workshops and working meetings allow the Rapporteurship to work closely with strategic actors to promote the application of international standards in domestic legal systems.

33. The following are the main seminars and workshops held by the Office of the Special Rapporteur during 2023:

| 2023 | | | | |
|------|---|--|--|--------------|
| N° | Organizer(s) | Title | Target | Date |
| 1 | Ministry of Foreign Affairs of Panama | International Forum on Democracy and Freedom of Expression | To discuss the current state of freedom of expression and its role in protecting democracy, as well as the challenges that remain and the way forward. | 31-Jan-23 |
| 2 | Columbia Global Freedom of Expression | Multisectoral consultative meeting | Discuss programmatic roadmap and major achievements and initiatives, Case Law Database; Global Freedom of Expression Awards; publication of Regardless of Frontiers book, documents related to freedom of expression. | 03-Feb-23 |
| 3 | Regional Alliance for Free Expression and Information | Launch and event "Saber Más XIII: opacity in the judicial systems of the region". | Participate in study for Free Expression and Information on the situation of access to public information in the region and active transparency of justice systems, highlight inter-American standards regarding access to information, accountability and transparency. | 09-Feb-23 |
| 4 | Human Rights Watch | Democratic regression in Latin America | Participate in a discussion on the current situation and challenges of democracy and the rule of law in some states in the region and the importance of reinforcing the pillars of democracy and strengthening institutions. | 07-Mar-23 |
| 5 | Karisma Foundation, CELE and UCLA Institute for Technology, Law & Policy | Conference on "Cyberpatrolling in Latin America". | Engage in conversation about open source intelligence technology (OSINT) and its ability to surveil journalists, human rights defenders, activists without complying with international standards of legality, necessity and proportionality. | 09-Mar-23 |
| 6 | UN Women, ReLeG, Academia, among others. | Panel on social protest and gender violence, on Strategic Litigation on gender violence in Latin America. | Participate as a commentator on strategic litigation on gender-based violence in relation to the standards of the Inter-American system, the gender perspective in the context of social protest and the differentiated approach to women. | 23-24-Mar-23 |
| 7 | UN Special Rapporteur on the right to freedom of peaceful assembly, among others. | Strengthening the response of international and regional mechanisms in the protection of the rights to freedom of peaceful assembly and association. | Participate in the launch of the Joint Action Framework to improve responses and coordination of mechanisms to major existing and emerging trends that undermine civic space in all regions of the world. | 24-Mar-23 |

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| 8 | International Institute on Race, Equality and Human Rights. | Panel "Persistence of attacks on freedom of the press from the perspective of the victims and the Office of the Rapporteur for Freedom of Expression". | Participate as a panelist in reference to the persistence of attacks against the independent press and obstacles to exercise freedom of expression in Nicaragua. | 17-Apr-23 |
| 9 | UN Special Rapporteur on the right to freedom of peaceful assembly. | Regional consultation for Latin America and the Caribbean | Organize consultation in conjunction with the UN to compile best practices and recommendations to ensure human rights compliant policing of protests, particularly peaceful protests. | 17-20-Apr-23 |
| 10 | Government of Estonia, High Level Group of Legal Experts on LEX, among others. | Beyond the crisis: Safe haven for journalists in danger. | To discuss state measures taken and challenges to support journalists at risk, based on the latest report on "Safe Haven for Journalists at Risk". | 01-May-23 |
| 11 | APC, UNFPA, UN Women, among others. | Freedom of expression and gender justice. | Discuss the importance of preventing and eliminating all forms of violence, including gender-based violence that occurs through or is amplified by the use of technology. | 01-May-23 |
| 12 | Thomson Reuters Foundation | Panel "Institutions that defend human rights". | To discuss the work and importance of human rights institutions, the fundamental role of freedom of expression in democratic societies, and the obligations of States to prevent, protect and provide justice in cases of violence against journalists. | 02-May-23 |
| 13 | UNESCO | Joint Statement of the Special Mandate Holders on Freedom of the Press and Democracy. | To discuss the joint statement of Special Rapporteurs entitled "Media Freedom and Democracy", highlighting the fundamental role of media freedom in enabling and sustaining democratic societies. | 02-May-23 |
| 14 | Article 19 Mexico and Central America | "Women journalists: how can their resilience influence the design of public policy around the world?" | Discuss violence by public officials, society and even colleagues, and how public policy could learn from their work and resilience to better protect women journalists around the world. | 03-May-23 |
| 15 | UNESCO, Columbia University. | Panel "Freedom of expression, a precondition for the enjoyment of other human rights in Latin America". | Comment on the challenges of freedom of expression and its link to the enjoyment of other human rights, especially those of vulnerable groups. | 03-May-23 |
| 16 | Article 19, Flip and El Faro | Event "Surveillance against the press: When espionage is more convenient for the State than protecting human rights". | Reflect on the impacts of illegal surveillance against journalists and human rights defenders through Pegasus, profiling and state cyber patrols. | 03-May-23 |
| 17 | UNESCO, Columbia University. | Social Networks for Peace in Colombia: Contributing to the regional dialogue on content moderation. | Share project findings regarding the social media landscape and the regulatory framework that addresses moderation of content that is illegal or causes harm. | 03-May-23 |
| 18 | UNESCO, Academia and other institutions. | Book presentation: "Manual for the Defense of Freedom of Expression: Inter-American Standards for the Defense of Freedom of Expression". | Comment on the systematization of Inter-American standards and the standards of the Colombian Constitutional Court on freedom of expression in criminal, civil and constitutional proceedings. | 04-May-23 |
| 19 | Office of the Ombudsman of Colombia. | Forum on Artificial Intelligence and Freedom of Expression. | To discuss cooperation, the exchange of experiences and the promotion, dissemination and strengthening of the Ombudsman institution in the geographic regions under its jurisdiction. | 09-May-23 |
| 20 | U.S. Department of State | Private roundtable on threats to freedom of expression in the Western Hemisphere region. | To highlight the main challenges facing journalists in the region and those who exercise their right to freedom of expression. | 19-May-23 |
| 21 | Wilson Center, U.S. Department of State, USAID, OAS. | "Voices Behind the Articles: Promoting Freedom of Expression and Strengthening Independent Media in Central America." | Discuss support for Central American journalists, strengthen civil society, and support the U.S. strategy to address the root causes of migration in Central America. | 20-Jun-23 |
| 22 | DPLF, CIJ | Round table "Right of access to information and transparency in the justice systems in Latin America". | To reflect on the main problems of transparency and access to public information in the region's justice systems, based on the latest report "Saber Más XIII: Opacity in the region's judicial systems". | 22-Jun-23 |
| 23 | UNESCO | Update of UNESCO's "Global Toolkit for Judicial Operators" on freedom of expression, safety of journalists and access to information. | To review inter-American jurisprudence and the most relevant standards on freedom of expression and access to information. | 26-Jun-23 3-Jul-23 |
| 24 | OBSERVACOM | Seminar "Community Media and Freedom of Expression in Latin America and the Caribbean". | Emphasize the importance of vindicating community media and their sustainability, from an operational, regulatory and economic perspective. | 29-Jun-23 |
| 25 | UN Special Rapporteur, among others. | Promote accountability and end impunity for serious human rights violations related to the exercise of peaceful assembly and association. | Discuss ways to advance accountability and end impunity for serious abuses committed in the context of the exercise of the rights to peaceful assembly and association. | 30-Jun-23 |
| 26 | Gabo Foundation | Freedom of expression at risk: the case of José Rubén Zamora | To discuss the threats to freedom of expression in Central America, the crisis of the rule of law and repression against journalists, particularly the case of Guatemalan journalist José Rubén Zamora, who was imprisoned and sentenced to 6 years in prison. | 01-Jul-23 |
| 27 | Gabo Foundation | Journalism and power: a dispute over facts | Address Inter-American standards on speech by public officials and violence against the press. | 01-Jul-23 |
| 28 | Gabo Foundation | Webchat 'Alerta ética y democrática por Guatemala' (Ethical and democratic alert for Guatemala) | Participate as a panelist in an activity of the Gabo Foundation's Journalistic Ethics program, moderated by Chilean journalist Mónica González, member of the Board of Trustees of this entity and co-responsible for its Ethics Clinic. | 10-Aug-23 |

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| 29 | National Press club | Maria Ressa on journalists in exile National Press Club event. | Comment on the threats to press freedom around the world and the opportunities for civil society to respond to them. | 05-Sep-23 |
| 30 | IFIT Colombia | Self-regulation of journalists, media outlets and content producers in a polarized environment | To reflect on the concept of polarization and its effects on democracy, relevance and challenges posed by the creation of self-regulatory measures for the media sector in order to guarantee the quality of information received by citizens in contexts of polarization. | 08-Sep-23 |
| 31 | UNESCO | Technical meeting of the OIG "Light Touch" working group on the safety of journalists. | Context of the Task Force Light Touch and presentation of UNESCO's work on freedom of expression and the safety of journalists. Presentations and updates from the respective organizations, UNESCO/OAS: Focus on upcoming events: Celebration of IDEI 2023 | 18-Sep-23 |
| 32 | OAS, Latin American Jewish Congress, UDLAP | Workshop "Building Resilience to Violence: An Introduction to the Prevention of Violent Extremism". | Discuss national and multilateral efforts to prevent violent extremism: human rights, community-led and criminal justice responses. | 05-Oct-23 |
| 33 | Pompeu Fabra and Georgetown Universities | NATO - Georgetown Disinformation Seminar | To participate in the event, highlighting the work being promoted in the fight against disinformation and the protection of freedom of expression. | 13-Oct-23 |
| 34 | State Commission for the Attention and Protection of Journalists of Mexico. | Conference: "Conditions of freedom of expression in Mexico". | To promote a technical and academic dialogue with the staff of the Commission for the Attention and Protection of Journalists on follow-up and due diligence in the investigation of crimes against journalists and to reflect on the challenges in this area. | 20-Oct-23 |
| 35 | PEN, IACHR, WBO, IFEX, Regional Alliance, among others. | Workshop on the construction of Inter-American Principles on Freedom of Artistic Expression and the Rights of Artists and Cultural Professionals. | To discuss, recognize, strengthen and systematize patterns of violation of freedom of artistic expression and the rights of artists and cultural agents in the Americas. | 6-7-Nov-23 |
| 36 | OAS | Virtual week OAS Diploma | Address the role of the IACHR, its functioning and importance. | 09-Nov-23 |
| 37 | Avant Garde Lawyers | Strengthening and capacity building course on Freedom of Expression issues from the work and operation of RELE. | Class outline: What is RELE, What is the mandate of RELE, What are the mechanisms available under this mandate, What are some examples of defending freedom of artistic expression within these mechanisms, How can Civil Society Organizations interact with these mechanisms, What are some examples of defending freedom of artistic expression within these mechanisms, How can Civil Society Organizations interact with these mechanisms. What are some examples of defending | 13-Nov-23 |
| 38 | Surinaamse Vereniging van Journalisten | Seminar "Freedom of expression and media workers in Suriname now and after 2023". | To enable media workers to cover and report effectively on democracy and human rights issues in Suriname. | 14-15 Nov-23 |
| 39 | Columbia University São Paulo School of Judges | Webinar "Jurisprudence of the Inter-American Court of Human Rights on freedom of expression and online expression". | Training on new threats and challenges to freedom of expression, especially in terms of disinformation, attacks on democracy and regulation of intermediaries. | 27-Nov-23 |
| 40 | OAS-MESECVI | Event "Towards a Comprehensive Model Law to prevent, punish and eradicate gender-based violence against women facilitated by technologies: Tools and proposals for a regional regulation." | Identify coordinated actions to promote a comprehensive legal framework for the prevention, protection and investigation of online gender-based violence against women. | 30-Nov-23 |
| 41 | OAS: IACHR-RELE and the United States of America | Event "Freedom of Expression as a way to end discrimination in the United States". | Address how censorship and restrictions on information and expression by and about vulnerable groups impede public debate on discrimination and evidence-based dialogue on the issue of race, gender and sexual orientation. | 7-Dec-23 |

5) Academic and promotional visits

34. The following are the official visits made by the Office of the Special Rapporteur during 2023:

| 2023 | | | | | |
|------|---------------------|--|---|---|--------------|
| N° | Country | Organizer(s) | Title | Target | Date |
| 1 | Argentina | Center for Studies on Freedom of Expression and Access to Information (CELE) | Workshop "For a better regulation of the Internet in Latin America". | To debate and reflect, together with activists, civil society organizations and academics in the region, on the present and future of Internet regulation, its challenges at the regional and global levels, and the possible construction of future agendas. possible construction of future agendas. | 26-27-Jul-23 |
| 2 | USA - New York City | Race and Equality | "Nicaragua and Cuba: countries where working for the achievement of the SDGs is considered a crime". | Reflect on the persecution, criminalization and serious human rights violations faced by human rights defenders in Nicaragua and Cuba, both countries that have failed to comply with international human rights standards and agreements under the 2030 Agenda and its Sustainable Development Goals (SDGs). | 19-Sep-23 |
| 3 | USA - New York City | Freedom House | Conversation between selected government representatives and five human rights defenders from Cuba, Nicaragua and Venezuela | Share updates on their countries, highlighting the worrying levels of political imprisonment - nearly 1,400 political prisoners combined - and the troubling practices of banishment and denationalization, all aimed at silencing dissent and limiting freedoms. | 19-Sep-23 |
| 4 | USA - New York City | Google | Event organized by Google on AI and Human Rights | To foster an exchange of ideas with these experts on the opportunities and challenges related to human rights posed by AI and emerging technology. | 19-Sep-23 |
| 5 | Guatemala | Rafael Landívar University | Academic visit to the First Congress on Communication Sciences | Participate in the First Congress of Communication Sciences and present a dissertation on communication, journalism, freedom of expression and human rights. | 20-22-Sep-23 |
| 6 | Mexico | Article 19 | Meetings with different NGOs and journalists. | Participate in technical and academic discussions on challenges and issues of concern such as impunity, disinformation and propaganda, judicial persecution, surveillance, among others of interest to the participants. | 25-27-Sep-23 |
| 7 | Mexico | Autonomous University of Mexico | Fix Zamudio Chair | Freedom of Expression Master Class. | 25-Sep-23 |
| 8 | Mexico | NACI | Panel. Rule of Law and C4Freedom of Expression 2023 | To provide perspectives on the state of freedom of expression and the right of access to information. | 28-Sep-23 |
| 9 | Ecuador | Fundación Periodistas sin Cadenas | Forum "No to banishment, confinement and burial" and meeting with Mesa de Protección a Periodistas. | To discuss the urgency of developing a protection mechanism for journalists in Ecuador. | 29-Sep-23 |
| 10 | Japan | Internet Governance Forum - UN | 18th annual meeting of the Internet Governance Forum | To discuss the event proposed and approved by the Internet Governance Forum entitled "Regulatory Approaches to Digital Public Debate". | 12-Oct-23 |
| 11 | USA - New York City | CPJ, Google. | CPJ International Press Freedom Awards | As part of CPJ's 33rd International Press Freedom Awards Event, to participate in the presentation of awards to journalists from Georgia, Mexico, India and Togo. | 16-Nov-23 |
| 12 | Switzerland | OHCHR | OHCHR Global Consultation | Contribute with OHCHR to the development of "specific technical and practical tools and practices based on international standards and to assist law enforcement officials to promote and protect human rights in the context of peaceful protests and regional consultations". | 18-20-Dec-23 |

6) Annual report and production of expert knowledge

35. One of the main tasks of the Office of the Special Rapporteur is to prepare a report on the state of freedom of expression in the hemisphere. Each year, this report analyzes the situation of this right in the region, including the main threats to its exercise and the progress that has been made in this area.

36. In addition to its annual reports, the Office of the Special Rapporteur periodically produces country-specific reports. For example, the Office of the Special Rapporteur has prepared and published reports on the situation of the right to freedom of expression in Paraguay (2001), Panama (2003), Haiti (2003), Guatemala (2004), Venezuela (2004), Colombia (2005), Honduras (2009, 2010 and 2015), Venezuela (2009 and 2010) Mexico (2010 and 2015), Chile (2017), Cuba (2018), Ecuador (2019) and Peru (2023).

37. In October 2022 and 2023, the IACHR Office of the Special Rapporteur for Freedom of Expression published the thematic report: [Women Journalists and Newsrooms: Advances, Challenges and Recommendations to Prevent Violence and Combat Discrimination](#) and an [updated version with commentaries](#), respectively, which analyzes some of the main advances and challenges that persist in relation to patterns of discrimination and forms of gender-based violence against women journalists and media workers within their newsrooms and in the exercise of their profession. Recognizing the decisive role that newsrooms play in eradicating and addressing these facts, the report presents a set of guidelines and recommendations that have

been or should be implemented by media companies to promote environments that are increasingly safe and free of any form of discrimination and violence.

38. It analyzes the phenomenon of disinformation, considering the hemispheric experience shared during the COVID-19 pandemic, the challenges for the collective understanding of highly complex issues, the practices of moderation of content on the Internet, the impacts on human rights from the measures adopted by the States and the lessons learned. Based on this study, the Rapporteurship formulates recommendations to States to respect and guarantee human rights, including the right to freedom of expression; to redress violations of rights; and to mitigate the risks of violations in scenarios of future health emergencies. Finally, it concludes on the importance of States, companies and society in general to value access to public information in contexts of health emergencies, and join efforts to promote measures to address the challenges for public debate in the digital environment in these emergency periods.

7) Special pronouncements and statements

39. Through daily monitoring of the state of freedom of expression in the region, which is carried out through a broad network of contacts and sources, the Office of the Special Rapporteur issues statements such as press releases, reports and opinions on specific cases or situations that are relevant to the exercise of this fundamental freedom. The Special Rapporteurship's press releases are widely disseminated and constitute one of its most important working mechanisms.

40. The Office of the Special Rapporteur receives a large number of e-mails, most of which refer to alerts, press releases, requests for information and queries on freedom of expression in the region; a small group of e-mails also refers to formal requests to the IACHR's individual case system; and another group refers to issues that do not fall within its competence. The Office of the Special Rapporteur reviews, purges and classifies the information received in order to determine the course of action to be taken.

41. Moreover, since its creation, the Special Rapporteurship has participated in the elaboration of declarations with the other UN and regional rapporteurships for freedom of expression. Joint statements are usually signed by the rapporteurs of the UN, the Organization for Security and Cooperation in Europe (OSCE), the OAS and the African Commission on Human and Peoples' Rights. When regional issues are involved, statements are signed by regional experts and the UN and OAS rapporteurs.

42. Joint statements are a fundamental working tool for the Office of the Special Rapporteur. In previous years, these statements have dealt with various topics related to freedom of expression depending on the context and time⁸.

43. On May 2, 2023, on the occasion of World Press Freedom Day, The United Nations (UN) Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, the Organization for Security and Cooperation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information in Africa, issue the following [Joint Statement on Media Freedom and Democracy](#), describing the interrelationship and interdependence of media freedom and democratic values, and the fundamental role of media freedom in enabling and sustaining democratic societies. It also provides a set of recommendations to states and other stakeholders to ensure and facilitate the role of the media as a vital institution and pillar of democracy.

44. On November 3, 2023, the Rapporteur and former OAS freedom of expression rapporteurs issued a [Joint Declaration to express their deep concern about the violence and murders of journalists 25 years after the creation of the Rapporteurship](#). In the declaration they mentioned the celebration of the 25th anniversary of the Special Rapporteurship for Freedom of Expression, claiming that the right to freedom of

⁸ Available at: <http://www.cidh.oas.org/relatoria/doclistCat.asp?catID=16&IID=2>

expression and democracy are inalienable rights of the peoples of the Americas, whose close link must be respected and guaranteed by the OAS States, in addition to expressing deep concern about the escalation of violence and the continued attack and murder of journalists in the region that threatens the quality of democracy. They reiterated the fundamental importance of the Special Rapporteurship for the strengthening of democracy and freedom of expression in the region. They also highlighted the special and permanent nature of the Office of the Special Rapporteur for Freedom of Expression and its independence as an institutional achievement that has made it possible to monitor and report, from a technical perspective, the work of the bodies of the system and the States on the observance of the right to freedom of expression with the dynamism that the issue requires. In general, they urged the States and civil society of the Americas to strengthen the mandate and independence of RELE and renew their commitment to freedom of expression, access to information and transparency as cornerstones of any democratic society.

45. During 2023, the Office of the Special Rapporteur issued several [press releases](#) to draw attention to facts related to freedom of thought and expression. These statements highlight facts of particular concern and local best practices, and explain the respective regional standards. The press releases issued during 2022 can be consulted on the *website* of the IACHR Office of the Special Rapporteur for Freedom of Expression⁹.

⁹ Available at: <http://www.oas.org/es/cidh/expresion/artListCat.asp?catID=1&IID=2>

Press Releases 2023:

| 2023 | | | | | |
|------|--------------------|--|------------------|--|-------------------|
| N° | Country | Subject | IACHR Series No. | Title | Date |
| 1 | Bolivia | Protests in Bolivia | 005/23 | Protests in Bolivia: IACHR and RELE monitor the situation in Santa Cruz de la Sierra, Bolivia | January 17, 2023 |
| 2 | Peru | Protests in Peru | 010/23 | Peru: IACHR and RELE condemn violent evictions and mass arrests at the Universidad Nacional Mayor de San Marcos | January 27, 2023 |
| 3 | Paraguay | Murder of journalist Alexander Alvarez | R30/23 | RELE condemns the murder of journalist Alexander Álvarez in Paraguay and urges the State to take measures to prevent violence against the press | February 28, 2023 |
| 4 | Nicaragua | Nicaragua Journalist's Day | R31/23 | On the day of the journalist in Nicaragua, the Office of the Special Rapporteur sends a message of solidarity, support and commitment to the work of the Nicaraguan press. | March 1, 2023 |
| 5 | Guatemala | Investigation against journalists | R52/23 | RELE expresses concern about the opening of a criminal investigation against journalists in Guatemala for their coverage of matters of public interest. | March 29, 2023 |
| 6 | United States | Meeting with technology companies | R54/23 | RELE visited internet companies and organizations to discuss human rights and technology practices | March 31, 2023 |
| 7 | Regional | Annual Report | R74/23 | The Special Rapporteurship for Freedom of Expression of the IACHR presents its Annual Report 2022 | April 24, 2023 |
| 8 | Haiti | Violence against journalists | R88/23 | RELE condemns attacks on journalists in Haiti and calls on the State to investigate the facts and punish the perpetrators | May 18, 2023 |
| 9 | Regional | Violence against journalists | R106/23 | RELE repudiates the murders of journalists in the region and calls on States to redouble efforts to prevent and protect the press | June 1, 2023 |
| 10 | Dominican Republic | Pegasus | 106/23 | IACHR and RELE: Dominican Republic must investigate Pegasus spying on investigative journalist | June 1, 2023 |
| 11 | Mexico | Pegasus | 109/23 | IACHR expresses concern over the increase in cases of Pegasus use in Mexico | June 2, 2023 |
| 12 | Cuba | New Communication Law | R125/23 | RELE expresses its concern over new Social Communication law in Cuba | June 16, 2023 |
| 13 | Guatemala | Condemnation José Rubén Zamora | 131/23 | IACHR and RELE express concern over the conviction of José Rubén Zamora in Guatemala | June 21, 2023 |

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| 14 | Regional | LGBTIQ Rights | 144/23 | IACHR and RELE: States must promote inclusion and guarantee the human rights of LGBTIQ persons | June 30, 2023 |
| 15 | Mexico | Violence against journalists | R159/23 | Mexico: RELE condemns attacks on the lives and integrity of journalists in Nayarit and Guerrero, and calls on authorities to investigate the facts promptly | July 20, 2023 |
| 16 | Venezuela | Attacks on freedom of association | 189/23 | IACHR and RELE reject attacks on freedom of association in Venezuela | August 21, 2023 |
| 17 | Guatemala | Murder of journalists | R193/23 | RELE condemns violence against journalists in Guatemala and urges authorities to effectively investigate the facts and find those responsible. | August 24, 2023 |
| 18 | Nicaragua | Interference with academic freedom | 201/23 | Nicaragua: IACHR and its Special Rapporteurs condemn arbitrary interference with academic freedom | August 29, 2023 |
| 19 | Honduras | Election of Attorney General | 204/23 | IACHR and RELE: Honduras must guarantee international standards in selection of Attorney General | August 30, 2023 |
| 20 | Regional | Thematic report | R230/23 | Office of the Special Rapporteur for Freedom of Expression publishes report: "Disinformation, pandemic and human rights". | September 28, 2023 |
| 21 | Haiti | Violence against journalists | R237/23 | RELE condemns the escalation of violence against journalists in Haiti and calls for comprehensive solutions with the accompaniment of the international community | October 3, 2023 |
| 22 | Nicaragua | Repression of indigenous communities | R243/23 | IACHR and RELE: Nicaragua must stop repression against indigenous communities of the Caribbean Coast | October 10, 2023 |
| 23 | Venezuela | Right to political participation | 253/23 | Venezuela: IACHR urges the State to implement agreements, with guarantees for political participation. | October 27, 2023 |
| 24 | Guatemala | Right to protest | 255/23 | Guatemala: IACHR and RELE urge State to guarantee right to protest and peaceful assembly | October 30, 2023 |
| 25 | Panama | Right to protest | 261/23 | Panama: IACHR and its RELE call on the State to guarantee the right to peaceful protest | November 9, 2023 |
| 26 | Guatemala | Abuse of power | 268/23 | Guatemala: IACHR and RELE reject persistent abuse of power for political-electoral purposes and criminalization | November 18, 2023 |
| 27 | Regional | Violence against women | 275/23 | RELE calls on States to guarantee freedom of expression as a fundamental right for gender equality and the elimination of all forms of discrimination and violence against women. | November 25, 2023 |
| 28 | Peru | Publication of country report | 308/23 | Special Rapporteurship publishes Report on the Situation of Freedom of Expression in Peru | December 20, 2023 |
| 29 | Peru | Criminal conviction of a journalist | 318/23 | RELE expresses its concern over the criminal conviction of a journalist in Brazil | December 27, 2023 |
| 30 | United States | Event | 319/23 | The IACHR and the Office of the Special Rapporteur address freedom of expression as a way to end discrimination in the U.S. | December 27, 2023 |

C. Financing

46. The Office of the Special Rapporteur would especially like to thank the OAS member states, observer countries and international cooperation agencies for their contributions. In 2023, the Office of the Special Rapporteur highlights the projects successfully implemented thanks to contributions from the States of Costa Rica and the United States of America, as well as the Swedish International Development Cooperation Agency, the Swiss Confederation, the European Commission, the Kingdom of the Netherlands, the National Endowment for Democracy (NED), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Ford Foundation, Google Inc. and META Inc. This funding has allowed the Office of the Special Rapporteur to fulfill its mandate and continue its work of promoting and defending the right to freedom of expression. Once the official OAS figures on the resources received and executed by this office have been issued, they will be published in the audited financial statements available on the organization's website¹⁰.

D. Teamwork

47. The Special Rapporteurship operates under the coordination of the Special Rapporteur, with a team of two or three lawyers who are experts in freedom of expression issues and one person who assists with projects and administrative tasks. As of July 2009, the Rapporteurship has a professional expert in project management and resource mobilization. The additional resources obtained serve to provide greater stability and better working conditions for the members of this team. The Special Rapporteurship also benefits from the presence of interns who are a fundamental part of the work team. At different times during 2023, Byron José De Paz (Guatemala), Leo Morán (Mexico), María Mendoza (Cuba), Laíse Barbosa (Brazil), Ana Luiza Vidotti (Brazil), Robert Duffy (United States of America), Juliana Fonteles (Tech4Rights Fellowship) and Ricardo Rosales (Tech4Rights Fellowship) contributed constructively with their work and enthusiasm as interns and fellows.

¹⁰ All financial information is available for consultation on the OAS website under the following section [ReportsAudit External](#) OAS Board of External Auditors. Report to the Permanent Council 2013. Annual Audit of accounts and Financial Statements for the years ended December 31, 2013 and 2012. Section II. Specific Funds. Pp 62-64; OAS Board of External Auditors. Report to the Permanent Council 2012. Annual Audit of Accounts and Financial Statements for the years ended December 31, 2012 and 2011. Section II. Specific Funds. Pp 75-77; OAS Board of External Auditors. Report to the Permanent Council 2011. Annual Audit of Accounts and Financial Statements for the years ended December 31, 2011 and 2010. Section II. Specific Funds. Pp 79-81; OAS Board of External Auditors. Report to the Permanent Council 2010. Annual Audit of Accounts and Financial Statements for the years ended December 31, 2010 and 2009. Section II. Specific Funds. Pp 79-81; OAS Board of External Auditors. Report to the Permanent Council 2009. Annual Audit of Accounts and Financial Statements for the years ended December 31, 2009 and 2008. Section II. Specific Funds. Pp 71-73; OAS Board of External Auditors. Report to the Permanent Council 2008. Annual Audit of Accounts and Financial Statements for the years ended December 31, 2008 and 2007. Section II. Specific Funds. Pp 73-74; OAS Board of External Auditors. Report to the Permanent Council 2007. Annual Audit of Accounts and Financial Statements for the years ended December 31, 2007 and 2006. Section II. Specific Funds. Pp 85-86; OAS Board of External Auditors. Report to the Permanent Council 2006. Annual Audit of Accounts and Financial Statements for the years ended December 31, 2006 and 2005. Section II. Specific Funds. Pp 73; OAS Board of External Auditors. Report to the Permanent Council 2005. Annual Audit of Accounts and Financial Statements for the years ended December 31, 2005 and 2004. Section II. Specific Funds. Pp 63-64; OAS Board of External Auditors. Report to the Permanent Council 2004. Annual Audit of Accounts and Financial Statements for the years ended December 31, 2004 and 2003. Section II. Specific Funds. Pp 41-42; Board of External Auditors. OAS General Secretariat. Report to the Permanent Council 2003. Annual Audit of Accounts and Financial Statements for the years ended December 31, 2003 and 2002. Section II. Specific Funds. Pp 41-42; OAS Board of External Auditors. Report to the Permanent Council 2002. Annual Audit of Accounts and Financial Statements for the years ended December 31, 2002 and 2001. Section II. Specific Funds. Pp 53; OAS Board of External Auditors. Report to the Permanent Council 2001. Annual Audit of Accounts and Financial Statements for the years ended December 31, 2001 and 2000. Section II. Specific Funds. Pp 52; OAS Board of External Auditors. Report to the Permanent Council 2000. Annual Audit of Accounts and Financial Statements for the years ended December 31, 2000 and 1999. Section II. Specific Funds. Annex 4. Page 4.

CHAPTER II: THE SITUATION OF FREEDOM OF EXPRESSION IN THE HEMISPHERE

1. This chapter describes some of the most relevant aspects related to the situation of the right to freedom of expression during 2023 in the hemisphere. Its purpose is to engage in a constructive dialogue with the OAS Member States that makes visible the progress reported, but also the problems and challenges faced during the period. The Special Rapporteurship trusts in the willingness of OAS Member States to resolutely promote the right to freedom of expression and therefore disseminates its good practices, reports on some of the problems encountered and makes viable and feasible recommendations.

2. As in other annual reports, this chapter presents the aspects of the right to freedom of expression that deserve the most attention and that have been reported to the Office of the Special Rapporteur during the year. Following a methodology similar to that of previous annual reports, this chapter draws on data received by the Office of the Special Rapporteur through various state, intergovernmental, and nongovernmental sources. Of particular relevance to the office is the information sent by the States, that which is provided during the hearings held before the IACHR, that which is sent by non-governmental organizations in the region, and the alerts sent by the media and communicators. In all cases, the information is contrasted and verified in such a way that only that which helps the States to identify problems of concern or trends that must be addressed before they can have irreparable effects is published.

3. The selected information is organized and systematized in such a way as to present the progress, setbacks and challenges in various aspects of the exercise of the right to freedom of expression. Since 2021, the Rapporteurship has organized its monitoring and systematization of information into four thematic sections, in order to provide a holistic analysis of the situation of freedom of expression, which also has unified criteria in all the countries observed. The four thematic sections correspond to: (i) journalism and democracy, which addresses information related to different forms of violence against the press; the use of criminal mechanisms and imprisonment of journalists who report on matters of public interest; cases of censorship of journalistic material; undue state control and closure of media outlets; stigmatizing statements against journalists and media; protection mechanisms for journalists at risk; confidentiality of sources; surveillance of communications, cyber-patrolling and profiling of journalists; attacks on community radio and media; indirect restrictions on freedom of expression through official advertising; and media concentration; (ii) freedom of expression, rule of law and democratic institutionalidad, which aims to address issues related to social protest; guarantees of freedom of expression in electoral contexts; access to public information; and stigmatizing statements against public leaders; (iii) freedom of expression and the fight against discrimination and exclusion, which will examine the obstacles faced by different groups in situations of vulnerability in exercising their freedom of expression and for their realities to be included in the public debate; (iv) freedom of expression and the fight against discrimination and exclusion, which will examine the obstacles faced by different groups in situations of vulnerability in exercising their freedom of expression and for their realities to be included in the public debate; and (iv) freedom of expression and the Internet, which will discuss legislative initiatives and/or public policies aimed at regulating the operation of the Internet that have an impact on freedom of expression, as well as issues related to state or private measures on moderation of Internet content; blocking or deliberate interference with Internet access; governance of the digital space, universal access and digital literacy.

4. The cases selected for each topic serve as examples in relation to the respect and exercise of freedom of expression. In all cases, the sources used are cited. In most cases, the Special Rapporteurship refers to the direct source of the information, citing the e-mail address of the corresponding website. When the information is not published directly by the source, the date on which it was received in the office's e-mail box is mentioned. This report does not include information sent to the Special Rapporteurship through requests for precautionary measures that have not been made public.

5. It should be noted that, pursuant to the powers established in Article 41 of the American Convention and Article 18 of the Statute of the IACHR, in July 2023, the Office of the Special Rapporteur

requested information from the Member States on the aforementioned cross-cutting themes and axes. The Office of the Special Rapporteur received responses from the following 15 member states: Argentina, Bolivia, Brazil, Chile, Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Panama, Paraguay, Peru, United States, and Uruguay. The Office of the Special Rapporteur is grateful for and appreciates the information sent, which has been included in this chapter.

6. In preparing this chapter of the 2023 Annual Report, the Office of the Special Rapporteur took into account, in general, the data available as of November 17, 2023 and, to the extent relevant, considered information received prior to the year 2023. Information related to those cases that occurred after the closing date of the 2023 Annual Report can be verified in the press releases section of the websites of the Office of the Special Rapporteur (<http://www.oas.org/en/iachr/expression/index.asp>) and the IACHR (<http://www.oas.org/en/iachr>) and may be addressed in the next annual report of the Rapporteurship.

7. Finally, the Office of the Special Rapporteur wishes to thank the OAS member states and civil society organizations for their cooperation in providing information on the situation of freedom of expression in the hemisphere. As it does every year, the Office of the Special Rapporteur invites the continuation of this practice, which is fundamental for the enrichment of future reports.

ANTIGUA AND BARBUDA

8. In 2023, the *Caribbean Broadcasting Union (CBU)* held its 54th general assembly in Antigua and Barbuda, a milestone that this Office welcomes. As part of this meeting, the best Caribbean media were also honored at the *Caribbean Media Awards* for their investigative and production work in television, radio, digital and print media; climate change was included for the first time as a thematic category in this edition. Despite the State's efforts in terms of freedom of expression, press and association as pillars of democracy, in 2023 there were repeated allegations of defamation among elected officials and tensions between them and national unions. As a result, the Rapporteurship was informed of multiple strikes by workers of the government printing press, the police, the teachers' union, the nurses' union, and employees of private companies, among others. The reasons reportedly included safety and health conditions, back pay and wage increases. In terms of the fight against discrimination and exclusion, this Office highlighted challenges arising from the arrival of hundreds of African migrants and refugees, the consequences of colonialism and the search for reparations, as well as attention to victims of gender-based violence and members of the LGBTI community. Finally, RELE highlights the public debate that arose over the course of the year around the use of artificial intelligence, cybersecurity, and the protection of women and girls from attacks on social networks.

A. Journalism and democracy

9. In August 2023, the Rapporteurship was gratified to host the 54th General Assembly of the *Caribbean Broadcasting Union (CBU)* on August 14, 15 and 16 of that month in Antigua and Barbuda. The theme for this edition was the contribution of the media to development in the Caribbean. Speakers at the ceremony included the Minister of Information and Communications Technology (ICT), Utilities and Energy, the Attorney General and the President of the Caribbean Development Bank.

10. As part of the assembly, the association of 37 regional media highlighted the work of press professionals with the *CBU Caribbean Media Awards (CMA)*, one of the most outstanding regional events for media professionals in television, radio, digital and print platforms.¹¹ According to public information, this year's CMAs reportedly received a record number of entries, representing a 40% increase over the previous year.¹² A highlight of this year's edition were the three new thematic categories: media literacy; healthy food nutrition policy; and climate change, the latter in partnership with the *Caribbean Community Climate Change Centre (CCCCC)*.¹³ The categories awarded on this occasion included best television documentary, best television news, best television investigative report, best radio documentary and best radio news, among others.¹⁴ The Rapporteurship learned that the next General Assembly will be held from August 12 to 14, 2024 in Belize.

11. In the framework of the event, the national government reportedly reaffirmed its commitment to freedom of the press. The acting Prime Minister reportedly stressed the importance of protecting freedom of expression and the media as pillars of democracy, expressing his rejection of violence against journalists in the region, particularly in Jamaica and Haiti.¹⁵ He also acknowledged the fall of the *Organisation of Eastern Caribbean States (OECS)* in the Reporters Without Borders world press freedom ranking from 55th to 93rd place.¹⁶ The acting Prime Minister also reportedly noted the steps taken by Antigua and Barbuda to eliminate laws that hindered journalistic work, highlighting legislative efforts in the area of defamation through the *Defamation Act of 2015 [Defamation Act]*, which modernized the legal framework and eliminated criminal

¹¹ Caribbean Broadcasting Union (CBU), [Record Number Of Entries For CBU Caribbean Media Awards 2022](#), August 15, 2023.

¹² Caribbean Broadcasting Union (CBU), [Record Number Of Entries For CBU Caribbean Media Awards 2022](#), August 15, 2023.

¹³ Caribbean Broadcasting Union (CBU), [Record Number Of Entries For CBU Caribbean Media Awards 2022](#), August 15, 2023.

¹⁴ Caribbean Broadcasting Union (CBU), [Record Number Of Entries For CBU Caribbean Media Awards 2022](#), August 15, 2023.

¹⁵ Pointville, August 15, 2023. [Antigua and Barbuda government reaffirms its commitment to press freedom](#); CaribDaily News, August 18, 2023. [Antigua and Barbuda's Acting Prime Minister Strongly Condemns Attacks Targeting Journalists in the Caribbean](#).

¹⁶ Pointville, [Antigua and Barbuda government reaffirms its commitment to press freedom](#), August 15, 2023; CaribDaily News, [Antigua and Barbuda's Acting Prime Minister Strongly Condemns Attacks Targeting Journalists in the Caribbean](#), August 18, 2023.

defamation for the first time in the region.¹⁷ Finally, the president highlighted his administration's willingness to organize weekly press conferences.

12. This Office welcomes the collective effort of the journalism profession in the Caribbean to meet and exchange experiences and perspectives on their work, including shared challenges and opportunities. It also congratulates the guild for highlighting the best journalists and media workers for their production and investigative work in television, radio, digital and print media.

B. Freedom of expression, rule of law and democratic institutions

13. On January 6, 2023, this Office learned that the deadline had passed for Asot Michael, a former member of the Antigua Barbuda Labour Party (ABLP) and parliamentary candidate, to respond to a letter from the prime minister's legal team regarding a defamation suit.¹⁸ The dispute reportedly arose during Antigua and Barbuda's general election cycle, scheduled for January 18. The former member of the governing party and candidate would have disseminated messages criticizing the Prime Minister for alleged acts of corruption; in response, the president would have pointed out that these would be "a big lie and falsehood to the extreme."¹⁹ According to available information, the Prime Minister and his lawyers reportedly demanded that the candidate in question issue an apology and pay the legal fees incurred.²⁰ Likewise, the President and his defense would have warned the media that if Michael's campaign was circulated, they would also have to pay compensation.

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14. On January 16, 2023, the Rapporteurship was alerted to a complaint filed by candidate Asot Michael regarding possible bomb threats at his residence and place of work.²² According to public information, the campaign team reportedly received an intimidating call at 10:30 PM that day. The incident reportedly occurred days after alleged drones had flown over the candidate's house.²³

15. In early May 2023, RELE received information indicating that the High Court [*High Court*] would have dismissed a defamation suit filed by the chairman of the True Antigua and Barbuda Labour Party [*True Antigua and Barbuda Labour Party*] against the Prime Minister.²⁴ The information available indicates that on December 12, 2019, the chairman of said party would have filed a lawsuit alleging damages for defamation of the Prime Minister for words published and broadcast on Facebook on November 5, 6 and 8, 2019²⁵. On that occasion, the president would have referred to alleged irregularities in the sale and purchase of land for his opponent in 2003²⁶.

16. The Office of the Special Rapporteur recalls that public officials and public figures, in a democratic society, have a different threshold of protection, which exposes them to a greater degree to public

¹⁷ Domina News Online, [Antigua and Barbuda's Acting PM condemns attacks on journalists](#), August 18, 2023; Skyline International for human rights, [Skyline International Applauds Antigua and Barbuda's Acting PM for Condemning Attacks on Journalists](#), August 22, 2023.

¹⁸ Antigua & Barbuda Broadcasting Services, [Prime Minister Browne Demands Public Retraction and Apology from Asot Michael](#), January 4, 2023; The Antigua Observer, [Asot Michael labels PM Browne's legal letter a 'red herring'](#), January 6, 2023.

¹⁹ Antigua & Barbuda Broadcasting Services, [Prime Minister Browne Demands Public Retraction and Apology from Asot Michael](#), January 4, 2023; The Antigua Observer, [Asot Michael labels PM Browne's legal letter a 'red herring'](#), January 6, 2023.

²⁰ Antigua & Barbuda Broadcasting Services, [Prime Minister Browne Demands Public Retraction and Apology from Asot Michael](#), January 4, 2023; The Antigua Observer, [Asot Michael labels PM Browne's legal letter a 'red herring'](#), January 6, 2023.

²¹ Antigua News Room, [PM Browne begins process of legal action against Asot Michael](#), January 4, 2023; The Antigua Observer, [PM Browne serves Asot Michael with defamation lawsuit](#), January 5, 2023.

²² Caribbean Loop News, [Antigua Election: Police respond to bomb threat at candidate's home](#), January 16, 2023; Antigua Breaking News, [Bomb Threat at Asot Michael's Dry Hill Home](#), January 16, 2023.

²³ Caribbean Loop News, [Antigua Election: Police respond to bomb threat at candidate's home](#), January 16, 2023; Antigua Breaking News, [Bomb Threat at Asot Michael's Dry Hill Home](#), January 16, 2023.

²⁴ Eastern Caribbean Supreme Court, [Vere Bird III v Gaston Browne](#), May 4, 2023; The Antigua Observer, [PM Browne secures victory in the Courts against Vere Bird III](#), May 3, 2023.

²⁵ Eastern Caribbean Supreme Court, [Vere Bird III v Gaston Browne](#), May 4, 2023; The Antigua Observer, [PM Browne secures victory in the Courts against Vere Bird III](#), May 3, 2023.

²⁶ Eastern Caribbean Supreme Court, [Vere Bird III v Gaston Browne](#), May 4, 2023; The Antigua Observer, [PM Browne secures victory in the Courts against Vere Bird III](#), May 3, 2023.

scrutiny and criticism, which is justified by the public interest nature of the activities they perform, because they have voluntarily exposed themselves to more demanding scrutiny and because they have an enormous capacity to controvert information through their convening power²⁷.

17. In February 2023, RELE learned that dozens of young people representing various civil society organizations reportedly participated in a training workshop of the *Antigua and Barbuda Workers' Union Youth Arm (ABWU)*, in partnership with the *Rotaract Club* of Antigua.²⁸ The purpose of the workshop was to educate young people about their basic rights as workers, including discrimination, vacation pay, sick leave, severance pay, and unfair dismissal.²⁹

18. In early March 2023, the Rapporteurship was informed about the decision of workers at the government printing plant to go on strike for at least four days. According to available information, the workers allege poor working conditions, such as exposed electrical wiring, leaking roofs, and unprocessed sewage.³⁰ Likewise, the workers would have claimed that their requests to improve the facilities where they work would have been ignored since 2018.³¹ Staff at Clarevue Psychiatric Hospital, the Fiennes Institute, and a prison are among other government agencies reportedly experiencing similar problems at their facilities.³²

19. At the end of March 2023, this Office was informed of a demonstration by opposition sectors over a list of issues that the current administration should, according to these groups, address, including water supply, health care, infrastructure, contract negotiations with multiple unions, retroactive payments to LIAT airline workers, among others.³³

20. In April 2023, the government was reportedly faced with the possibility of a strike by the *Antigua and Barbuda Nurses Association (ABNA)*. The *ABNA* claimed to be concerned about the state of the medical facilities and the length of time it has taken to negotiate for improved working conditions for the union, demanding overtime and overtime allowances, as well as more efficient medical equipment.³⁴

21. Also, in April 2023, RELE learned that the *Antigua and Barbuda Union of Teachers (A&BUT)* reportedly went ahead with a two-week strike, resulting in the virtual closure of schools in the country.³⁵ At the end of April, the union reportedly ended its strike after the Ministry of Education complied with some of the union's requests.³⁶ According to information received by this Office, some of the teachers' concerns would include safety on school premises, *ex gratia* payments, teacher update payments and talks on a new collective bargaining agreement.³⁷ The Prime Minister reportedly referred to the teachers' union strike days later,

²⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II CIDH/RELE/INF. 2/09, December 30, 2009, para. 40; IACHR, Annual Report 1994, Ch. V: Report on the compatibility between desacato laws and the ACHR, OEA/Ser. L/V/II.88, doc. 9 rev., Feb. 17, 1995.

²⁸ The Antigua Observer, [Union Partners with Rotaract Antigua to Educate Young Workers on Their Rights](#), 2 February 2023; Rotaract Antigua / Facebook, [10 February 2023](#).

²⁹ The Antigua Observer, [Union Partners with Rotaract Antigua to Educate Young Workers on Their Rights](#), 2 February 2023; Rotaract Antigua / Facebook, [10 February 2023](#).

³⁰ The Antigua Observer, ['Enough is enough', declare protesting gov't printery staff as industrial action enters day four](#), March 7, 2023.

³¹ The Antigua Observer, ['Enough is enough', declare protesting gov't printery staff as industrial action enters day four](#), March 7, 2023.

³² The Antigua Observer, ['Enough is enough', declare protesting gov't printery staff as industrial action enters day four](#), March 7, 2023.

³³ The Antigua Observer, [UPP supporters to take to the streets today for protest march](#), March 23, 2023.

³⁴ The Antigua Observer, [Govt' under pressure to resolve nurses' issues to avert another industrial action](#), April 18, 2023; Barbados Today, [Antigua PM warns of retrenchment in public service if unrealistic wage demands are made](#), May 1, 2023.

³⁵ The Antigua Observer, [Teacher's union says ending strike was gesture of 'good faith'](#), April 21, 2023; Caribbean Loop News, [Protesting Antiguan teachers agree to return to work](#), April 20, 2023.

³⁶ The Antigua Observer, [Teacher's union says ending strike was gesture of 'good faith'](#), April 21, 2023; Caribbean Loop News, [Protesting Antiguan teachers agree to return to work](#), April 20, 2023.

³⁷ Dominica News Online, [Easter vacation extended as teachers in Antigua set to protest on Tuesday](#), April 11, 2023; The Antigua Observer, [Teacher's union says ending strike was gesture of 'good faith'](#), April 21, 2023.

asserting that their actions would be "destructive" and an example of "what not to do," noting the negative impact on the country's students.³⁸

22. On May 1, 2023, as part of International Workers' Day, RELE was alerted that the Prime Minister reportedly advised the country's workers not to protest as "*self-defeating*" in the face of a "cooperative" government that would be forced to "*retrench*" in the face of demands for unreasonable wage increases.³⁹ The Prime Minister reportedly gave a speech to commemorate this date, sharing the stage with his party, the *Antigua and Barbuda Labour Party (ABLP)* and the *Antigua Trades and Labour Union (AT&LU)*. According to available information, both actors reportedly pointed to the "destructive" impact of the workers' strikes, the alleged efforts to undermine the government, and the possible gains made for public employees under the current administration.⁴⁰ In his speech, the Prime Minister reportedly rejected the teachers' and nurses' strikes in previous weeks, and warned of the possibility of similar actions by other public employees, calling on other unions to take a "more constructive approach" and to "be reasonable with their demands" to deliver "increases that are sustainable."⁴¹ According to an AT&LU press release, the union would have concluded 31 negotiations between March 1 of last year and May 1, 2023, which would have resulted in wage increases between 5.5 and 12 percent for nearly 8,000 workers nationwide.⁴²

23. This Office recalls that political authorities should refrain from making speeches that are detrimental to or stigmatize a protest or the people who participate in or organize it, as this may place certain sectors of the population in a situation of greater vulnerability and risk of further attacks⁴³.

24. On May 4, 2023, the Rapporteurship received information indicating that more than a dozen workers had protested in front of the facilities of Frank B. Armstrong Ltd.⁴⁴ According to available information, this was the second consecutive day of protest following their dissatisfaction with the lack of progress on a new collective bargaining agreement; this would be a document that the Antigua and Barbuda *Workers Union (ABWU)* had been trying to negotiate for the last decade.⁴⁵ According to a union representative, the company's management was reportedly closed to the possibility of negotiation, did not attend meetings with union leaders, and never complied with the initial agreements. Although the matter reportedly went to the *Industrial Court*, the parties reportedly reached a *consent order*, compliance with which is still under investigation.⁴⁶

25. On July 18, 2023, RELE learned of a protest by members of the police force in St. John, the nation's capital. According to the information received, multiple officers reportedly went on strike over their working conditions, which included a mold infestation in multiple facilities.⁴⁷ As a result of the strike, all magistrate court proceedings have reportedly been halted, although the daily operations of the city's police station, such as reporting crimes and processing police records, are reportedly running normally.⁴⁸ The officials' decision reportedly came weeks after the High Court suffered a similar mold infestation, forcing

³⁸ Barbados Today, [Antigua PM warns of retrenchment in public service if unrealistic wage demands are made](#), May 1, 2023; The Antigua Observer, ['Self-defeating': PM advises workers against industrial action in Labour Day address](#), May 2, 2023.

³⁹ Barbados Today, [Antigua PM warns of retrenchment in public service if unrealistic wage demands are made](#), May 1, 2023; The Antigua Observer, ['Self-defeating': PM advises workers against industrial action in Labour Day address](#), May 2, 2023.

⁴⁰ Barbados Today, [Antigua PM warns of retrenchment in public service if unrealistic wage demands are made](#), May 1, 2023; The Antigua Observer, ['Self-defeating': PM advises workers against industrial action in Labour Day address](#), May 2, 2023.

⁴¹ Barbados Today, [Antigua PM warns of retrenchment in public service if unrealistic wage demands are made](#), May 1, 2023; The Antigua Observer, ['Self-defeating': PM advises workers against industrial action in Labour Day address](#), May 2, 2023.

⁴² The Antigua Observer, ['Self-defeating': PM advises workers against industrial action in Labour Day address](#), May 2, 2023; Antigua & Barbuda Trades and Labour Union, [AT&LU marks Labour Day by celebrating recent accomplishments](#), April 29, 2023.

⁴³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 287.

⁴⁴ Antigua Breaking News, [Workers at Frank B. Armstrong down tools in protest of protracted negotiations](#), May 3, 2023; The Antigua Observer, [Frank B. Armstrong workers' protest enters second day](#), May 4, 2023....

⁴⁵ Antigua Breaking News, [Workers at Frank B. Armstrong down tools in protest of protracted negotiations](#), May 3, 2023; The Antigua Observer, [Frank B. Armstrong workers' protest enters second day](#), May 4, 2023.

⁴⁶ Antigua Breaking News, [Workers at Frank B. Armstrong down tools in protest of protracted negotiations](#), May 3, 2023; The Antigua Observer, [Frank B. Armstrong workers' protest enters second day](#), May 4, 2023.

⁴⁷ The Antigua Observer, [Magistrate Court remains closed as Police protest continues](#), July 18, 2023....

⁴⁸ The Antigua Observer, [Magistrate Court remains closed as Police protest continues](#), July 18, 2023.

proceedings there to be halted for two weeks; the minister of public safety reportedly assured that both situations would be addressed immediately.⁴⁹

26. In September 2023, this Office received an update on the prosecution of two women accused of orchestrating the "*Freedom Fighters*" protest against restrictions imposed by COVID-19. Donette Simon and Shenel Williams were reportedly among several people arrested following a demonstration against coronavirus-related measures on August 8, 2021.⁵⁰ During this protest, police forces reportedly used tear gas and rubber bullets to disperse the crowd, as reported by this Office.⁵¹ The pair would be jointly charged with "organizing a prohibited public assembly" and also with participating in it.⁵² In addition, Williams would face two charges related to inciting and encouraging unlawful behavior. Both women would have pleaded not guilty in March 2022, so the trial would have counted the testimony of several witnesses since then.⁵³ According to public information, the trial has not yet been concluded due to multiple postponements.⁵⁴

27. On September 11, 2023, the Rapporteurship was informed of a possible strike by the staff of Antigua and Barbuda's Department of Culture. According to public information, some workers reportedly refused to enter one of the department's facilities because of safety and health conditions.⁵⁵ According to the general secretary of the Antigua *Trades and Labour Union (AT&LU)*, the problems affecting this facility of the culture department have been present for some time, and despite an alleged thorough cleaning of the facilities, rodents and mold have reappeared. The union has reportedly advised associated staff not to return to work until their concerns are properly addressed. In addition to safety and health issues, the Office also learned that the workers are requesting payment of outstanding overtime and other back pay.

28. The Office of the Special Rapporteur emphasizes that the freedoms of conscience, expression, association, assembly, conscience, religion, or the exercise of labor and trade union rights, as well as other internationally recognized human rights, must be guaranteed and not interfered with.⁵⁶ Likewise, this Office reiterates that protest is often an important means of action and pursuit of legitimate objectives by organizations and collectives, and as such can also be protected by the right to freedom of association.⁵⁷

29. On May 30, 2023, this Office learned that four days of protests were organized by the opposition *United Progressive Party (UPP)* in front of the Governor General's office over the arrival and stay of West African migrants.⁵⁸ Previously, in February, protests were reportedly held in front of the Prime Minister's office after he announced the possibility of Antigua and Barbuda extending legal status to persons stranded in the country.⁵⁹ According to available information, the opposition is reportedly renewing calls for a commission of inquiry to be opened against Antigua Ariways and other charter travel companies for the inauguration of flights from West Africa in late 2022, which would have resulted in hundreds of African nationals being

⁴⁹ The Antigua Observer, [Magistrate Court remains closed as Police protest continues](#), July 18, 2023.

⁵⁰ IACHR, Annual Report 2021, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 64 rev. 1, May 26, 2022, para. 13.

⁵¹ IACHR, Annual Report 2021, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 64 rev. 1, May 26, 2022, para. 13.

⁵² The Antigua Observer, [Two-year legal battle continues for alleged organizers of 'Freedom Fighters' protest](#), September 7, 2023; IACHR, Annual Report 2022, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50, March 6, 2023, para. 18.

⁵³ IACHR, Annual Report 2022, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50, March 6, 2023, para. 18.

⁵⁴ The Antigua Observer, [Two-year legal battle continues for alleged organizers of 'Freedom Fighters' protest](#), September 7, 2023; IACHR, Annual Report 2022, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50, March 6, 2023, para. 18.

⁵⁵ Antigua News Room, [Department of Culture Staff Stage Sit-In Protest Over Poor Working Conditions](#), September 12, 2023.

⁵⁶ IACHR, *Inter-American Principles on Academic Freedom and University Autonomy*, 2021, ppio. N° 2.

⁵⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, paras. 20 and 21.

⁵⁸ The Antigua Observer, [UPP to protest for commission of inquiry outside Governor General's office](#), May 30, 2023; Antigua News Room, [Opposition UPP Protests for Commission of Inquiry, Disputes Legal Opinion on Governor General's Authority](#), May 31, 2023.

⁵⁹ Antigua News Room, [UPP to stage protest against government's decision on African 'visitors'](#), February 7, 2023; The St. Kitts and Nevis Observer, [A&B: Opposition Party Stages Protest Over Fake African Tourists](#), February 8, 2023.

stranded in Antigua in what is alleged to be an illegal migrant smuggling business.⁶⁰ The current administration has reportedly argued that the governor general would not have the power to open such a commission without being requested to do so by the cabinet.⁶¹

30. On June 24, 2023, 17 days of protests by members and supporters of the *United Progressive Party (UPP)* were reportedly completed. The protesters reportedly expressed their repeated dissatisfaction with the lack of a public investigation into the arrival of hundreds of migrants from Cameroon to Antigua and Barbuda in what would have been an attempt to migrate to the United States.⁶² So far in 2023, dozens of West Africans have reportedly attempted to migrate to other islands in the Caribbean in unsafe boats, exposing themselves to shipwrecks; several have reportedly died or are presumed dead.⁶³ Protesters also reportedly expressed their rejection of rising youth violence, inflation, inadequate water supply and disruptions to garbage collection.⁶⁴

C. Freedom of expression and the fight against discrimination and exclusion

31. In January 2023, following the arrival of hundreds of West African migrants in Antigua and Barbuda with the intention of migrating to the United States, the national authorities reportedly decided to temporarily halt all charter flights originating in Africa.⁶⁵ According to available information, this would be the first wave of potential refugees on the island.⁶⁶ Initially, the government reportedly declared its intention to repatriate newly arrived Africans to the country, but has since announced a change of direction for humanitarian reasons, initiating discussions with the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) for assistance.⁶⁷ Thus, public authorities have reportedly stated that a skills audit of the migrants would be conducted to "determine the benefits" of allowing them to stay and obtain legal status in the country.⁶⁸

32. In February 2023, the Rapporteurship learned that the government would adopt a plan to address homelessness. The Minister for Social Transformation reportedly assured that the current administration would implement a "holistic plan" to address this vulnerable population through physical and mental health care, the provision of housing and food, and job placement.⁶⁹ The public official and other members of civil society reportedly agreed on the need to reform public policies on mental health as archaic and "draconian" and the facilities of psychiatric care centers were in a state of disrepair⁷⁰.

33. In April 2023, this Office was informed of the launch of the *Heirs of Slavery*, a group of citizens who had researched their family histories and found that their ancestors had become wealthy through slavery

⁶⁰ The Antigua Observer, [UPP to protest for commission of inquiry outside Governor General's office](#), May 30, 2023; Antigua News Room, [Opposition UPP Protests for Commission of Inquiry. Disputes Legal Opinion on Governor General's Authority](#), May 31, 2023.

⁶¹ The Antigua Observer, [UPP to protest for commission of inquiry outside Governor General's office](#), May 30, 2023; Antigua News Room, [Opposition UPP Protests for Commission of Inquiry. Disputes Legal Opinion on Governor General's Authority](#), May 31, 2023.

⁶² BBC News, [The Cameroonian migrants stranded on an island they had not heard of](#), March 7, 2023.

⁶³ Caribbean Loop News, [Antigua says rescued Cameroonian migrants won't be allowed to reenter](#), April 30, 2023; CTV News, [Three dead, 13 missing in Caribbean sinking: 14 Africans saved](#), March 28, 2023.

⁶⁴ The Antigua Observer, [UPP rally concludes 17 days of protests](#), June 24, 2023.

⁶⁵ BBC News, [The Cameroonian migrants stranded on an island they had not heard of](#), March 7, 2023.

⁶⁶ BBC News, [The Cameroonian migrants stranded on an island they had not heard of](#), March 7, 2023.

⁶⁷ The Antigua Observer, [Fury as gov't says it bears no responsibility for migrant boat tragedy](#), March 31, 2023; Caribbean Loop News, [PM Browne says his Gov't is not responsible for migrant boat tragedy](#), April 2, 2023.

⁶⁸ The Antigua Observer, ['We are being killed' - Cameroonian refugees detail harrowing situation in plea against repatriation](#), 2 February 2023; BBC News, [The Cameroonian migrants stranded on an island they had not heard of](#), 7 March 2023.

⁶⁹ The Antigua Observer, [Gov't to take 'holistic approach' to homelessness. Senator Marshall says](#), February 22, 2023.

⁷⁰ The Antigua Observer, [Gov't to take 'holistic approach' to homelessness. Senator Marshall says](#), February 22, 2023.

in the Caribbean.⁷¹ The group would aim to lend their voice, influence and wealth to raise awareness of the consequences of colonization and explore reparations for colonized countries and societies.⁷²

34. In June 2023, the Office of the Special Rapporteur was informed of an effort by LGBTI activists to have State agents receive mandatory training to handle complaints of gender-based violence involving this population in light of cases in which a more inclusive and gender-sensitive approach to law enforcement is reportedly lacking⁷³. Likewise, members of the LGBTI community have criticized the language and expressions used by the media in covering the cases in question as inaccurate and insensitive⁷⁴.

35. The Office of the Special Rapporteur stresses that it is of particular importance that States adopt actions to guarantee the exercise of the right to freedom of expression of LGBTI persons and to empower those affected and made invisible by hate speech⁷⁵.

D. Freedom of expression and the Internet

36. In March 2023, in the framework of International Women's Day, the government's gender affairs directorate, in partnership with the British High Commission, reportedly organized the DigitALL summit on innovation and technology for gender equality⁷⁶. The Special Rapporteur learned that the diplomatic corps in Antigua and Barbuda had called for legal reform to combat online abuse, particularly against women and girls.⁷⁷

37. In April 2023, in observance of Intellectual Property Day, the technical officer of the Antigua and Barbuda *Intellectual Property and Commerce Office (ABIPCO)* reportedly urged respect for the creations of others.⁷⁸ The technical officer reportedly stated that, despite the Internet's access to musical and artistic works, there should be an ethical respect for the dedication of others in the production of their work, encouraging those who have an idea or work to register with the copyright office.⁷⁹ According to available information, Intellectual Property Day 2023 would have been celebrated under the theme "Women and Intellectual Property: Accelerating Innovation and Creativity" which, according to the World *Intellectual Property Organization [WIPO]*, would be about celebrating "women who are shaping the world through imagination, ingenuity and hard work, but who face challenges in accessing the knowledge, skills and resources they need to thrive."⁸⁰

38. In August 2023, at the 54th general assembly of the *Caribbean Broadcasting Union (CBU)*, held in Antigua and Barbuda, artificial intelligence was reportedly the topic of most interest at the opening ceremony. The president of the Caribbean Development Bank reportedly suggested that media houses in the region should prepare for the impact of artificial intelligence, thus determining what tasks it could perform,

⁷¹ Heirs of Slavery, [People whose ancestors profited from transatlantic slavery and the industries dependent on it](#), Undated, accessed 18 September 2023; The Antigua Observer, [Launch of 'Heirs of Slavery' - a new group of people whose ancestors profited from British enslavement and the industries dependent on it](#), 24 April 2023.

⁷² Heirs of Slavery, [People whose ancestors profited from transatlantic slavery and the industries dependent on it](#), Undated, accessed 18 September 2023; The Antigua Observer, [Launch of 'Heirs of Slavery' - a new group of people whose ancestors profited from British enslavement and the industries dependent on it](#), 24 April 2023.

⁷³ The Antigua Observer, [LGBTQ+ activist says police officers need GBV training](#), June 29, 2023; Pointville, [LGBTQ+ activist says police officers need GBV training](#), June 30, 2023.

⁷⁴ The Antigua Observer, [LGBTQ+ activist says police officers need GBV training](#), June 29, 2023; Pointville, [LGBTQ+ activist says police officers need GBV training](#), June 30, 2023.

⁷⁵ IACHR, Violence against LGBTI persons, OAS/Ser.L/V/II/rev.2 Doc. 36, 12 November 2015, para. 213 et seq.

⁷⁶ The Antigua Observer, [Calls for legal reform to combat online abuse: Directorate of Gender Affairs](#), March 9, 2023; Directorate for Gender Affairs, March 2023, [DigitalALL Summit](#).

⁷⁷ The Antigua Observer, [Calls for legal reform to combat online abuse: Directorate of Gender Affairs](#), March 9, 2023; Directorate for Gender Affairs, March 2023, [DigitalALL Summit](#).

⁷⁸ The Antigua Observer, [Local official urges respect for other people's creations during global observation of Intellectual Property Day](#), April 27, 2023; WIPO, [Women and IP: Accelerating innovation and creativity](#), April 26, 2023.

⁷⁹ The Antigua Observer, [Local official urges respect for other people's creations during global observation of Intellectual Property Day](#), April 27, 2023; WIPO, [Women and IP: Accelerating innovation and creativity](#), April 26, 2023.

⁸⁰ The Antigua Observer, [Local official urges respect for other people's creations during global observation of Intellectual Property Day](#), April 27, 2023; WIPO, [Women and IP: Accelerating innovation and creativity](#), April 26, 2023.

such as, for example, research in digitized news libraries.⁸¹ For her part, the *CBU* president reportedly stressed the importance of managing the use of AI in a way that "protects the facts" and avoids the spread of misleading information, which has proven to be a real challenge in recent months.⁸² Additionally, the president reportedly added that while UNESCO's support has been instrumental in building capacity in information and media literacy, artificial intelligence constitutes a new challenge in this area.⁸³

39. In September 2023, RELE learned that the *Get Safe Online* platform, one of the world's leading online safety resources, would be launching its "Check a Website" service in Caribbean countries, including Antigua and Barbuda.⁸⁴ This new service would allow individuals and businesses to safely navigate the online world by verifying the legitimacy and security of websites before interacting with them.⁸⁵ According to the Ministry of Information and Communication Technologies, Utilities and Energy, this service would now be available to citizens to take responsibility for cybersecurity.⁸⁶

40. The Rapporteurship reiterates that the right to receive and communicate information and ideas also includes the right to individual enjoyment of cultural goods, which in itself implies that there is a personal right to read, listen, watch and explore cultural goods without being subject to the restrictions of intellectual property, which includes being able to carry out these activities online. Access to information belonging to the public domain is also fundamental in the Internet sphere, so the protection of intellectual property rights must be regulated in the same way in this space.⁸⁷

41. Furthermore, this Office emphasizes that the response of states to security in cyberspace must be limited and proportionate, and must seek to achieve precise legal ends that do not compromise the democratic virtues that characterize the network. In this sense, governments should refrain from favoring the concentrated and centralized use of criminal law as the fundamental instrument for dealing with all possible threats to online security.⁸⁸ In this sense, when taking initiatives to protect security in cyberspace, States must include explicit safeguards in the law to ensure that regular or inherent conduct in the use of the Internet is not criminalized. They must also require that the acts defined involve actual harm and that the harmful conduct is committed with criminal intent.⁸⁹

⁸¹ Nationwide Radio Jamaica, [CBU Encourages Regional Media Houses to Embrace AI](#), August 15, 2023; The Antigua Observer, ['AI' the hot topic during opening ceremony of CBU's 54th Annual General Assembly](#), August 16, 2023; The Jamaica Observer, [Broadcasters urged to examine the role of communication in social justice and development](#), August 16, 2023.

⁸² The Jamaica Observer, [Broadcasters urged to examine the role of communication in social justice and development](#), August 16, 2023.

⁸³ The Jamaica Observer, [Broadcasters urged to examine the role of communication in social justice and development](#), August 16, 2023.

⁸⁴ Antigua and Barbuda's Government Information and Services, [Get Safe Online Launches New Service in Antigua & Barbuda](#), September 13, 2023.

⁸⁵ Antigua and Barbuda's Government Information and Services, [Get Safe Online Launches New Service in Antigua & Barbuda](#), September 13, 2023.

⁸⁶ Antigua and Barbuda's Government Information and Services, [Get Safe Online Launches New Service in Antigua & Barbuda](#), September 13, 2023.

⁸⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a Free, Open and Inclusive Internet, OEA/Ser.L/V/II. IACHR/RELE/INF.17/17, March 2017, para. 153.

⁸⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 120.

⁸⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 123.

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42. During 2023, the Office of the Special Rapporteur received reports of attacks and aggressions against journalists and media outlets, and followed with particular concern the situation of press workers in the city of Rosario, Santa Fe province, where the context of violence has intensified due to the presence of organized crime. It also monitored various incidents of disproportionate use of public force during social protests in the province of Jujuy. On the other hand, the Office has been able to evidence the deterioration of the public debate in Argentina, characterized by stigmatizing, discriminatory and intolerant discourses, promoted by different sectors of the citizenry as well as by authorities and public officials. Finally, RELE welcomes some judicial decisions that represent advances for the right to freedom of expression, such as the ruling of the Supreme Court of Tucumán in favor of journalist Irene Benito, of *La Gaceta* de Tucumán, and the declaration of unconstitutionality of the Easy Fugitive Recognition System (SRFP) of the Government of the City of Buenos Aires, by the Court of Appeals for Administrative and Tax Matters of the City of Buenos Aires.

A. Journalism and democracy

43. In recent years, the Rapporteurship has observed with concern an increase in reports of violence against journalists, especially in some cities and regions of the country. These incidents highlight the importance of the State developing effective prevention and protection policies for journalists and strengthening its institutional capacities in this area. Likewise, the Rapporteurship emphasizes that the State's obligation to prevent violence also involves the responsibility of public authorities to refrain from stigmatizing the press, since such accusations significantly increase the risks they face in the exercise of their work.

44. The Rapporteurship received information on the murder of reporter Griselda Blanco on May 20, in the town of Curuzú Cuatiá, province of Corrientes⁹⁰. According to public information, the journalist had received threats after denouncing an alleged case of malpractice in a provincial hospital and investigations on police abuses through her social networks⁹¹. On the evening of May 19, she reportedly made her last broadcast in which she reported the threats against her⁹². As of the closing date of this report, a criminal case is known to be progressing in the investigation through the collection of evidence and the identification of those allegedly responsible⁹³. The journalist's defense has requested the Prosecutor's Office to investigate other lines of investigation into the crime committed, pointing out the possible link between the crime and the exercise of her profession and gender⁹⁴. Various civil society organizations urged the State to carry out a diligent investigation and to consider the link with the practice of journalism⁹⁵.

45. The Office also received reports of the death of photojournalist and activist Facundo Morales, while participating in a protest at the Obelisk on August 10, 2023. According to public information, in the context of the demonstration that was allegedly repressed by the Buenos Aires City Police, Molares suffered a decompensation and was taken almost without vital signs to the Ramos Mejía Hospital, where he died hours later, of the City Police⁹⁶. A group of human rights organizations denounced "the ferocious and irresponsible

⁹⁰ La Nación, May 22, 2023, [Corrientes: what is known so far about the death of journalist Griselda Blanco](#); La Vaca, July 20, 2023, [The third death of Griselda Blanco](#).

⁹¹ Deutsche Welle (DW), 22 May 2023, [Hallan muerto a periodista que denunció abusos en Argentina](#); TN, 31 May 2023, [Chats borrados, misteriosas amenazas y una deuda: la trama detrás el crimen de la periodista Griselda Blanco](#).

⁹² Página 12, May 22, 2023, [Who was Griselda Blanco, the journalist murdered in Corrientes, and what she investigated](#).

⁹³ La Nueva Mañana, May 26, 2023, [Detienen a empresario por el crimen de periodista y liberan a su ex pareja](#); La Vaca, July 20, 2023, [La tercera muerte de Griselda Blanco](#).

⁹⁴ La Vaca, May 5, 2023, [Femicidio de la periodista Griselda Blanco: "Pedimos justicia y recursos"](#); Infobae, May 25, 2023, [Piden investigar si el asesinato de Griselda Blanco estuvo relacionado a su labor como periodista](#).

⁹⁵ Página 12, June 9, 2023, [¿Quién mató a Griselda Blanco?](#); Infobae, May 25, 2023, [Piden investigar si el asesinato de Griselda Blanco estuvo relacionado a su labor como periodista](#).

⁹⁶ CNN en Español, August 12, 2023, [Who was Facundo Molares Schoenfeld, who died when he was arrested by police at the foot of the Obelisk in Argentina](#); Página 12, August 10, 2023, [Police repression at the Obelisk: one dead and several arrested](#).

use of force applied in the repression that culminated in the death of Molares" and held the government of the City of Buenos Aires responsible for what happened⁹⁷.

46. This Office stresses that lethal violence against journalists is the most extreme form of censorship, and compromises the rights to personal integrity, to life, and to freedom of thought and expression⁹⁸. It is crucial that States fulfill their obligation to investigate in order to find those responsible for these crimes, to bring justice in the specific case, to avoid its repetition and to avoid the inhibiting effect that violence causes on communicators⁹⁹. The lack of due diligence in the investigation, prosecution and punishment of all those responsible can generate an additional violation of the rights to access to justice and judicial guarantees of the affected persons and their families¹⁰⁰.

47. In 2023, RELE also recorded several attacks against media facilities, as well as threats in the context of coverage of organized crime. Among other reported incidents, on January 7, a group of people in the early hours of the morning reportedly caused a fire in the facilities of the radio station *FM Horizonte 95.1* of Villa Bonita, in the province of Misiones. The fire was extinguished in time by the journalist and owner of the radio station, although it left material damage. The incident is under investigation¹⁰¹. On February 5, *Televisión Litoral de Rosario (TVL)* was reportedly hit by a bomb explosion in front of the building's parking lot. According to the information available, the event occurred in the presence of a police car, which later requested to carry out an investigation at the place, and the video surveillance cameras would have captured the event¹⁰². This would be the third attack against the media between December 2022 and February 2023¹⁰³. On April 27, the plant of the radio station *LT3* -also in Rosario- was reportedly the object of an initial fire and breakage of installations to which was added a shooting against the police car at the site¹⁰⁴.

48. This Office continues to observe the increase in violence in the city of Rosario, where in addition to attacks on media facilities, intimidations and threats against press workers were reported. According to the information available, on March 7 a *TN* press team had to interrupt a live broadcast from Barrios Los Pumitas after being threatened by armed persons on board a motorcycle. Minutes before *TN* had been collecting testimonies from people of the community, including relatives of the child Máximo Jerez¹⁰⁵, killed on March 5 allegedly during a shootout between drug trafficking groups¹⁰⁶. According to the Association of Argentine Journalistic Entities (Adepa), "those who practice journalism in Rosario and other places have had to get used to living in a state of alert"¹⁰⁷, being common, among other measures, the use of bulletproof vests and the mobilization in groups for protection¹⁰⁸. The Inter American Press Association also identified "intimidation of reporters, photographers and cameramen who cover insecurity events linked to drug

⁹⁷ Deutsche Welle, August 12, 2023, [Thousands protest in Argentina over death of Facundo Molares](#); France 24, August 12, 2023, [Marches to demand justice for death of activist in Argentine police custody](#); Agence Paco Urondo, August 11, 2023, [Repudiation of the murder of Facundo Molares: "Fierce and irresponsible use of force"](#).

⁹⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión. March 2017. OEA/Ser.L/V/II, IACHR/RELE/INF.16/17. Para. 147.

⁹⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión. March 2017. OEA/Ser.L/V/II, IACHR/RELE/INF.16/17. Para. 31.

¹⁰⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión. March 2017. OEA/Ser.L/V/II, IACHR/RELE/INF.16/17. Para. 147.

¹⁰¹ Foro de Periodismo Argentino (FOPEA), January 7, 2023, [FOPEA repudia el incendio intencional de las instalaciones de FM Horizonte 95.1 \(Misiones\)](#); El Territorio, January 7, 2023, [Periodista sufrió un ataque incendiario](#).

¹⁰² El Litoral, February 5, 2023, [Tercer ataque: tiraron una bomba de estruendo frente a Televisión Litoral](#); Mirador Provincial, February 5, 2023, [Rosario: arrojaron una bomba de estruendo frente a Televisión Litoral](#).

¹⁰³ IACHR. Annual Report 2022 of the Office of the Special Rapporteur for Freedom of Expression, para. 32.

¹⁰⁴ Sindicato de Prensa Rosario, April 28, 2023, [Nuevo atentado contra LT3](#); LT9, April 28, 2023, [Vandalizaron la planta de transmisión de LT3 y cuando la fueron a repararla les atacaron a tiros](#).

¹⁰⁵ Twitter account of Radio Mitre (@radiomitre), [March 7, 2023](#); Clarín, March 7, 2023, ["Todas estas balitas van para ustedes": amenazan a vecinos y periodistas en el barrio de Rosario donde mataron a Máximo Jérez](#).

¹⁰⁶ La Capital, March 14, 2023, [Imputan a cinco personas por el asesinato de Máximo Jérez y piden la captura de otras dos](#); Infobae, April 21, 2023, [Imputaron al sexto acusado por el homicidio de Máximo Jérez de 11 años en Rosario](#).

¹⁰⁷ Adepa, March 30, 2023, [Report of the Commission on Freedom of the Press](#).

¹⁰⁸ Adepa, March 30, 2023, [Report of the Commission on Freedom of the Press](#).

traffickers"¹⁰⁹ and pointed out that Adepa requested a mission in the field to analyze the risks and threats to the press¹¹⁰.

49. The Office also received reports of physical attacks and threats against the press in different cities of the country. On March 12, journalist Hugo Viano, director of radio *FM La Dulce 101.3* in the province of Misiones, reported death threats against his family by unknown individuals. The incident is reportedly under investigation¹¹¹. On March 15, the journalist of *FM Latina*, Miguel Ocampo, was allegedly beaten and threatened by three people in the town of Villa Mercedes, in the province of San Luis. According to the journalist, the incident occurred after he published a report on acts of insecurity in the Obras Sanitarias neighborhood¹¹². On April 25, journalist Matías Saracho reported being verbally abused and pushed by unknown persons during a live broadcast from his social networks in which he was covering the state of the streets of the city Joaquín V. González, in the province of Salta¹¹³. On May 10, reporters and cameramen of *LN+* and *C5N* who were covering the neighborhood Las Antenas, in Lomas del Mirador, province of Buenos Aires, were allegedly victims of physical aggression, robbery and threats with firearms, allegedly by groups linked to drug trafficking¹¹⁴.

50. According to Principle 9 of the Declaration of Principles on Freedom of Expression of the IACHR, "[t]he murder, kidnapping, intimidation, threats to social communicators, as well as the material destruction of the media, violate the fundamental rights of individuals and severely restrict freedom of expression. It is the duty of States to prevent and investigate these acts, punish the perpetrators and ensure adequate reparation for the victims"¹¹⁵.

51. The Rapporteurship emphasizes that acts of violence against journalists have a triple effect: they violate the right of the victims to express and disseminate their ideas, opinions and information; they generate a chilling and silencing effect on their peers; and they violate the rights of individuals and societies in general to seek and receive information and ideas of any kind. The consequences for democracy, which depends on a free, open and dynamic exchange of ideas and information, are particularly serious¹¹⁶. The authorities should strongly condemn violence against journalists and encourage the competent authorities to act with due diligence and speed in clarifying the facts and punishing those responsible.¹¹⁷

52. On the other hand, there were reports of physical aggressions and arrests of media workers by state security agents in the context of social protests. On January 14, *FM Los Cardales* journalist Sebastián Vargas was reportedly assaulted and detained after covering a demonstration where police officers detained a group of people for displaying a banner with the slogan "Basta de cáncer. Stop fumigating us", during an official inauguration ceremony of the Modular Hospital in Los Cardales, in the province of Buenos Aires¹¹⁸. It is alleged that the journalist was beaten, deprived of his cell phone and taken to a police station where he was held for four hours. According to public information, although released, Vargas was forced to sign a report stating that he had assaulted a person¹¹⁹. In addition, on February 15, during a protest against power cuts on the Dellepiane

¹⁰⁹ SIP, April 25, 2023, [Report to the Mid-Year Meeting 2023](#).

¹¹⁰ SIP, April 25, 2023, [Report to the Mid-Year Meeting 2023](#).

¹¹¹ La Voz de Misiones, March 13, 2023, [Amenazan a familia de periodista de San Javier: "Te vamos a hacer mierda"](#).

¹¹² Fopea, March 15, 2023, [Fopea repudiates the attack suffered by Miguel Ocampo, Journalist from Villa Mercedes \(San Luis\)](#); Radio Popular San Luis, March 16, 2023, [A journalist was attacked by delinquents](#).

¹¹³ QuePasaSalta, April 25, 2023, [Journalist from Salta was covering a neighborhood, they got out of an Amarok and "shook" him](#).

¹¹⁴ La Nación, May 10, 2023, [La Matanza: live journalists were beaten, robbed and threatened with death](#); Perfil, May 10, 2023, [La Matanza: journalists from LN+ and C5N were assaulted, beaten and threatened with death](#).

¹¹⁵ IACHR, Declaration of Principles on Freedom of Expression, 2000.

¹¹⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, Violence against journalists and media workers: Inter-American standards and national practices on prevention, protection and the pursuit of justice. 2013. OEA/Ser.L/V/II. IACHR/RELE/INF.12/13, para. 287.

¹¹⁷ IACHR, Report No. 7/16, Case 12.213. Merits (Location). Aristeu Guida da Silva and family. Brazil. April 13, 2016, para. 138.

¹¹⁸ Fopea, January 12, 2023, [Fopea repudiates the physical aggression and subsequent arrest suffered by journalist Sebastián Vargas, of FM Los Cardales](#); La Política Ambiental, January 11, 2023, [Buenos Aires: 4hs arrested for raising a flag against fumigations in an act of Alberto Fernández in Los Cardales](#); Revista La Vaca, January 11, 2023, [Argentina 2023: four arrested for showing the flag "Basta de cáncer" before the President during the inauguration of a hospital](#).

¹¹⁹ Fopea, January 12, 2023, [Fopea repudiates the physical aggression and subsequent arrest suffered by journalist Sebastián Vargas, of FM Los Cardales](#); La Política Ambiental, January 11, 2023, [Buenos Aires: 4hs arrested for raising a flag against fumigations in an](#)

highway, in the Villa Lugano neighborhood, in the Autonomous City of Buenos Aires, journalist Alejandro Pueblas, cameraman Rolando Bazán, and camera assistant Alejandro Cóceres, all from *Crónica TV*, were allegedly pushed and beaten, were allegedly pushed and beaten by members of the police of the City of Buenos Aires, as well as photojournalist Leandro Teisseyre, of the newspaper *Página 12*, who was allegedly assaulted and forced while trying to photograph the arrest of a demonstrator¹²⁰.

53. The Rapporteurship was also informed about different aggressions, intimidations and other acts of violence against journalists covering the public demonstrations of June 17 and 20, 2023, in the province of Jujuy. Thus, for example, the presence of police officers was reported for a week in the vicinity of the headquarters of *Radio Chaski Jujuy*. Also, according to public reports and information provided by the National Public Defender's Office, at least two journalists were violently detained while carrying out their work in the context of the protests. One of them, from the digital newspaper *El Submarino Jujuy*, was detained by the police on Saturday 17 while recording a police operation and alleged police aggression against minors, and taken to the Alto Comedero prison, where he remained for 24 hours¹²¹. Likewise, a correspondent of *La Izquierda Diario* was detained and transferred first to the Volcán police station and then to the Alto Comedero prison, without being told at any time the reasons for his detention. Both were reportedly deprived of their cell phones¹²². According to the information available, both were clearly identified as press workers. The Argentine Journalism Forum (FOPEA) described the events as "an abuse and an outrage against freedom of expression and the right of access to information", and demanded the immediate release of the journalists¹²³.

54. Likewise, members of the Asociación Periodistas Unidos Autoconvocados de Jujuy denounced intimidation and persecution by the security forces during the police repression operations and the following days. They also denounced the constant denial of access to official press conferences by authorities of the Government of the Province¹²⁴.

55. RELE also learned that, in this context, on June 20, a group of people allegedly threw stones at the *Radio Visión Jujuy* building, damaging windows and glass doors¹²⁵.

56. RELE recalls that given the importance of the work carried out by journalists covering public demonstrations, the State must grant them the maximum degree of guarantees for the performance of their duties. This duty is not limited to granting specific protection measures for communicators, but also includes the obligation to create the necessary conditions to mitigate the risk of the exercise of the profession in these situations¹²⁶.

57. RELE has continued to monitor the legal proceedings against journalists and media outlets linked to their work. According to public information, between December 29, 2022 and January 3, 2023, journalist Miguel Ángel Villanueva, owner of the website *El último web* de Rosario, was allegedly hospitalized by court order in the Colonia Psiquiátrica Oliveros, with the alleged purpose of conducting a psychiatric expertise of imputability for a complaint of threats derived from an event of August 2017 that would involve a

[act of Alberto Fernández in Los Cardales](#); Revista La Vaca, January 11, 2023, [Argentina 2023: four arrested for showing the flag "Basta de cáncer" before the President during the inauguration of a hospital](#).

¹²⁰ FOPEA Twitter account (@fopea), [February 16, 2023](#); *Página 12*, February 16, 2023, [Police repression in a Buenos Aires neighborhood in the face of protests by neighbors over power and water cuts](#).

¹²¹ Perfil, June 18, 2023, [Dos periodistas detenidos en la represión de Jujuy: críticas del gobierno, sindicatos y organizaciones sociales](#); Télam, June 18, 2023, [Dos periodistas fueron detenidos durante la represión en Jujuy](#).

¹²² *La Izquierda Diario*, June 20, 2022, [Eduardo Castilla of La Izquierda Diario: "La Policía me disparó cuando le gritar que le soy periodista"](#); International Federation of Journalists, June 21, 2023, [Argentina: Journalists injured and detained in popular demonstrations against constitutional reform in Jujuy](#); Télam, June 18, 2023, [Two journalists were detained during repression in Jujuy](#).

¹²³ Twitter account / X of FOPEA (@fopea), [June 17, 2023](#).

¹²⁴ ANRed, June 30, 2023, [Periodistas Unidos Autoconvocados de Jujuy denuncian violencia policial, detenciones, hostigamiento e intimidación](#); Information sent by the State of Argentina, September 1, 2023. Note from the Office of the Ombudsman for Audiovisual Communication Services.

¹²⁵ TN, June 20, 2023, [Amid escalating violence, protesters attack Radio Visión Jujuy building with stones](#); Somos Jujuy, June 20, 2023, [The building of Canal 7 de Jujuy and LW8 were attacked with stones](#).

¹²⁶ UN and OAS, Joint Declaration on Violence against Journalists and Communicators in the Framework of Social Demonstrations, September 13, 2013.

former governor of the province of Santa Fe¹²⁷. The case was described as judicial persecution, linked to his corruption allegations¹²⁸. The Argentine Journalism Forum (FOPEA) understood that due to the specific conditions of the case it was an attack on freedom of expression¹²⁹.

58. The Rapporteurship was also informed of the complaint filed by the then interventor of the Federal Intelligence Agency against journalists Joaquín Morales Solá, Daniel Santoro and the newspapers *La Nación* and *Clarín*, for alleged violation of the National Intelligence Law¹³⁰. The information would allude to an alleged military desk with the purpose of illegally spying on opponents, through which the names of intelligence agents, as well as their structure and functions, would have been given.¹³¹ The Office of the Special Rapporteur was informed that on April 13, the prosecutor's office involved had requested the case to be closed, alleging, among other reasons, the protection of the right to freedom of expression¹³², and that on April 20, the case had been judicially closed¹³³. FOPEA rejected the criminal complaint stating that it "ignores the essence of journalistic work"¹³⁴, while the National Academy of Journalism did the same stating that it "intends to criminalize the practice of journalism"¹³⁵.

59. On the other hand, this Office welcomes that on April 13 the Supreme Court of Justice of the Nation issued a judgment declaring inadmissible a complaint filed by a former Minister of Agriculture of the Nation¹³⁶ in the framework of a lawsuit for damages against journalists Jorge Lanata and Nicolás Wiñazki¹³⁷. The lawsuit arose from a 2013 journalistic investigation that reported alleged links of the then minister with drug trafficking through a fishing vessel in Puerto Madryn, in the province of Chubut¹³⁸.

60. The Rapporteurship also welcomes the ruling of the Supreme Court of Tucumán that declared inadmissible the last cassation appeal that had been filed against Irene Benito, journalist of *La Gaceta*. The sentence emphasized the importance of guaranteeing the effective enforcement of freedom of expression and freedom of the press, in the face of unfounded attempts at criminalization¹³⁹. This is a case that the Rapporteurship has monitored and reported in its previous annual reports¹⁴⁰. According to the information available, the complaint was based on the fact that the journalist had not delivered a book that the Bar Association had commissioned from her, and that in reality this contracting had been used to "buy" the journalistic services of Irene Benito, in order to favor certain political interests. Several organizations described these facts as judicial harassment and criminalization of Irene Benito's journalistic work, which has focused

¹²⁷ Sindicato de Prensa Rosario, January 3, 2023, [Preocupación del Sindicato de Prensa por la situación de Villanueva](#); La Capital, January 3, 2023, [Ordenaron internar en un centro psiquiátrico a un periodista y luego lo externaron](#).

¹²⁸ La Capital, January 3, 2023, [Ordenaron internar en un centro psiquiátrico a un periodista y luego lo externaron](#); Sin Mordaza, December 31, 2022, [Médicos aseguran que el periodista Villanueva no debería ser internado en Oliveros](#); Diario Síntesis, January 3, 2023, [Una jueza ordenó a internar en el neuropsiquiátrico de Oliveros al periodista Miguel "Pato" Villanueva](#).

¹²⁹ FOPEA Twitter account (@fopea), [January 6, 2023](#).

¹³⁰ FOPEA Twitter account (@fopea), [January 4, 2023](#); Clarín, January 5, 2023, [La Academia Nacional de Periodismo repudió la denuncia de Agustín Rossi contra periodistas de Clarín y la Nación: "Pretende criminalizar la práctica periodística"](#); La Nación, April 13, 2023, [Mesa militar: la fiscalía pidió que se file la denuncia de Agustín Rossi contra los periodistas Joaquín Morales y Daniel Santoro](#).

¹³¹ Clarín, January 5, 2023, [La Academia Nacional de Periodismo repudió la denuncia de Agustín Rossi contra periodistas de Clarín y la Nación: "Pretende criminalizar la práctica periodística"](#); La Nación, April 13, 2023, [Mesa militar: la fiscalía pidió que se file la denuncia de Agustín Rossi contra los periodistas Joaquín Morales y Daniel Santoro](#).

¹³² La Nación, April 13, 2023, [Mesa militar: la fiscalía pidió que se file la denuncia de Agustín Rossi contra los periodistas Joaquín Morales and Daniel Santoro](#); Clarín, April 14, 2023, [Piden archivar una demanda de la AFI contra Joaquín Morales Solá y Daniel Santoro](#).

¹³³ La Nación, April 20, 2023, [Government complaint against journalists Morales Solá and Santoro dismissed](#); Clarín, April 20, 2023, [Judge Daniel Rafecas filed the AFI's complaint against two journalists](#).

¹³⁴ FOPEA Twitter account (@fopea), [January 4, 2023](#).

¹³⁵ National Academy of Journalism, January 5, 2023, [The AFI intends to criminalize the practice of journalism](#).

¹³⁶ Supreme Court of Justice of the Nation, April 13, 2023, [CIV 87144/2013/1/RH1 Y. N.G c/L. I. E. y otros s/ daños y daños](#).

¹³⁷ National Chamber of Civil Appeals, November 15, 2019, [Y. N. G. v. L. I.E y Otros S/ Damages. Expte. No. 87/144/2013](#).

¹³⁸ Cámara Nacional de Apelaciones en lo Civil, November 15, 2019, [Y. N. G. v. L. I.E y Otros S/ Damages. Expte. No. 87/144/2013](#); La Nación, April 13, 2023, [The Supreme Court upheld the rejection of the lawsuit of a former Kirchnerist minister against Jorge Lanata and Nicolás Wiñazki](#).

¹³⁹ La Gaceta, June 4, 2023, [Journalism: Court protects freedom of expression and rules in favor of a journalist from LA GACETA](#); El DiarioAr, June 3, 2023, [A look from the gutter, a view of the world: the case of Irene Brito in Tucumán](#).

¹⁴⁰ IACHR, Annual Report 2022, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50, March 6, 2023, para. 47; IACHR, Annual Report 2020, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 28, March 30, 2021, para. 39.

mainly on the coverage of alleged acts of corruption and irregularities in the performance of the provincial Judiciary¹⁴¹.

61. In its decision, the Supreme Court of Justice of Tucumán cited Inter-American case law to analyze and weigh "the rational use of criminal law in a case in which the right to freedom of expression is at stake"¹⁴². In particular, it emphasized that the use of criminal law "must be analyzed with special caution, weighing the extreme seriousness of the conduct of the issuer, the malice with which he acted, the characteristics of the damage unjustly caused and other data that show the absolute necessity of using, in a truly exceptional manner, criminal measures"¹⁴³.

62. This Office has pointed out that violence against journalists can be generated through the use of criminal law to punish, repress, and inhibit expressions critical of the actions of state authorities or on issues of public interest¹⁴⁴. The most recent jurisprudence of the Inter-American Court of Human Rights has emphasized that "in the case of speech protected by public interest, such as those referring to the conduct of public officials in the exercise of their functions, the punitive response of the State through criminal law is not conventionally appropriate"¹⁴⁵. According to the Court, from the universe of possible measures to demand subsequent responsibilities for eventual abusive exercises of the right to freedom of expression, criminal prosecution will only be appropriate in those exceptional cases in which it is strictly necessary to protect an imperative social need¹⁴⁶.

63. This Rapporteurship continues to observe with concern the stigmatizing remarks made by public authorities against the press. According to a report of the LED Foundation published in March 2023, "the confrontation between the government and the media has been the main factor of tension on the exercise of freedom of expression and of the press during this year"¹⁴⁷. On March 1, 2023, within the framework of the opening ceremony of the 141st period of ordinary sessions of the National Congress, the then President of the Republic denounced a "systematic action of disinformation" and pointed out that many media outlets "express economic and political interests opposed to the government, which hide or misrepresent information to their readers, listeners or viewers"¹⁴⁸.

64. Likewise, on June 6, the President of the Nation in a government act at the Casa Rosada in relation to the corruption issue stated that "I always say that in all the democracy there was not the freedom of the press that exists today in Argentina. There is even an excessive abuse of freedom of the press. People lie, slander, defame, insult, but we do not react"¹⁴⁹. The president expressed in the same act that "let us hope that sometime these journalists show their assets and explain to us how they have such apartments as broadcasters of a program"¹⁵⁰. ADEPA expressed its concern about the statements made, recalling that "precisely because of its function in democracy, freedom of the press is a cornerstone of republican checks and balances"¹⁵¹.

¹⁴¹ IACHR, Annual Report 2022, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50, March 6, 2023, para. 47.

¹⁴² Supreme Court of Justice of Tucumán, May 2023, BENITO GISELLE IRENE Y OTRO C/ COLEGIO DE ABOGADOS DE TUCUMAN S/ DEFRAUD ART. 173.

¹⁴³ Supreme Court of Justice of Tucumán, May 2023, BENITO GISELLE IRENE Y OTRO C/ COLEGIO DE ABOGADOS DE TUCUMAN S/ DEFRAUD ART. 173.

¹⁴⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión. March 2017. OEA/Ser.L/V/II, IACHR/RELE/INF.16/17. Para. 28.

¹⁴⁵ I/A Court H.R., Alvarez Ramos v. Venezuela, Preliminary Objection, Merits, Reparations and Costs, Judgment of August 30, 2019, Series C No. 380, para. 121.

¹⁴⁶ I/A Court H.R., Alvarez Ramos v. Venezuela, Preliminary Objection, Merits, Reparations and Costs, Judgment of August 30, 2019, Series C No. 380, para. 120.

¹⁴⁷ LED Foundation. March 13, 2023. Annual Report 2022. "[Limitations to the exercise of freedom of expression - Argentina](#)".

¹⁴⁸ Casa Rosada Presidency. March 1, 2023. [Speech by President Alberto Fernández at the opening of the 141st Ordinary Session of the National Congress](#).

¹⁴⁹ La Nación, June 6, 2023, [El Presidente dijo que hay un "abuso desmedido de la libertad de prensa" y ADEPA manifestó su preocupación](#); El Cordillerano, June 9, 2023, [FOPEA rechazó los dichos del Presidente sobre un "abuso desmedido de la libertad de prensa"](#).

¹⁵⁰ La Nación, June 6, 2023, [El Presidente dijo que hay un "abuso desmedido de la libertad de prensa" y ADEPA manifestó su preocupación](#); El Cordillerano, June 9, 2023, [FOPEA rechazó los dichos del Presidente sobre un "abuso desmedido de la libertad de prensa"](#).

¹⁵¹ Adepá Twitter account (@AdepArgentina), [June 6, 2023](#).

65. Likewise, on May 8, the governor of the province of La Rioja, referring to journalists, stated that "they live off the national government's advertising and from there they have begun to build another type of business"¹⁵².

66. In 2023, civil society organizations linked to freedom of the press warned about stigmatizing speeches against the press promoted by the presidential candidate for the Libertad Avanza party, Javier Milei¹⁵³. According to public information, Milei has registered at least 20 aggressions and incidents with journalists and media since he entered politics as national deputy in 2021¹⁵⁴. According to the information received, on July 20, the presidential candidate used his social networks to disqualify the work of ADEPA and the media by stating that "ADEPA is a disgrace and what journalism has done in this campaign as well. They spread crap without evidence, precisely so that proposals are not discussed. Anything goes in search of ratings or to protect their friends"¹⁵⁵. Milei's message would be linked to a publication of ADEPA in which he had expressed his concern for the "inappropriate tone for an electoral contest", in reference to expressions of the candidate for president and of a candidate for the legislature of the City of Buenos Aires that would be contrary to the principles of freedom of press¹⁵⁶.

67. As the Inter-American Court has pointed out, public officials "have a position of guarantor of the fundamental rights of individuals and, therefore, their statements cannot disregard these rights or constitute forms of direct or indirect interference or harmful pressure on the rights of those who seek to contribute to public deliberation through the expression and dissemination of their thoughts"¹⁵⁷.

68. Likewise, in their 2021 Joint Statement, the Special Rapporteurs of the universal and regional human rights systems emphasized that political leaders and public officials play an important role in public debate and, consequently, ethical behavior and attitudes on their part, including in their public communications, are essential to promote the rule of law, the protection of human rights, freedom of the media and intercultural understanding, and to ensure public confidence in the democratic system of government¹⁵⁸.

69. In relation to official advertising, this Office received information on indirect restrictions to freedom of expression through the cancellation of official advertising to certain programs. On February 4, the Government of the Province of Neuquén reportedly informed the production of the program "Enfocado", which is broadcast on the TV channel *Somos El Valle* and on YouTube, that the advertising would be withdrawn. In addition, the authorization for the use of the facilities would have been revoked. The program would consist of political interviews with a critical editorial¹⁵⁹. According to Fopea, "this is an attempt at censorship"¹⁶⁰.

70. It was also reported that the radio program "El Repasador", which was broadcast by *Radio Mitre*, was taken off the air, allegedly due to an editorial critical of the current administration of the governor of the province of Salta. According to the information available, the program was characterized by addressing

¹⁵² ADEPA, May 10, 2023, [Preocupación de Adepa por las declaraciones del gobernador de La Rioja](#); La Nación, May 8, 2023, [Elections in La Rioja: Quintela reclamó que el periodismo se autolimita: "Viven de la pauta, deben respetar a los que fuimos electos"](#).

¹⁵³ La Nación, [La Academia Nacional de Periodismo condenó los repetidos ataques de Javier Milei a la prensa](#), August 17, 2023; Clarín, [La tensa relación de Javier Milei con la prensa: ya registra más de 20 denuncias de ataques a periodistas](#), September 23.

¹⁵⁴ La Nación, [La Academia Nacional de Periodismo condenó los repetidos ataques de Javier Milei a la prensa](#), August 17, 2023; Clarín, [La tensa relación de Javier Milei con la prensa: ya registra más de 20 denuncias de ataques a periodistas](#), September 23.

¹⁵⁵ Javier Milei (@JMilei) Twitter account, [July 20, 2023](#).

¹⁵⁶ Télam, July 20, 2023, [ADEPA repudiated Rinaldi and Milei's statements against the media](#); La Nación, July 20, 2023, [Strong attack by Milei to the media: "ADEPA is a disgrace and so is what journalism has done in this campaign"](#).

¹⁵⁷ I/A Court H.R., *Case of Ríos et al. v. Venezuela, Preliminary Objections, Merits, Reparations and Costs*, Judgment of January 28, 2009. Para. 139.

¹⁵⁸ UN, OSCE, OAS, ACHPR, Joint Declaration on Political Leaders, Public Officials and Freedom of Expression, October 20, 2021.

¹⁵⁹ Fopea. February 4, 2023. [Fopea condemns the limitations applied by the municipal and provincial governments of Neuquén against the program Enfocados, which is broadcasted on the TV channel Somos El Valle and its Youtube channel](#); Minuto Neuquén. February 6, 2023. [FOPEA condemns "censorship attempt" against Enfocados TV program](#).

¹⁶⁰ Fopea, February 4, 2023, [Fopea condemns the limitations applied by the municipal and provincial governments of Neuquén against the program Enfocados, which is broadcasted on the TV channel Somos El Valle and its Youtube channel](#).

issues of public interest and its departure took place in the midst of a politically conflictive situation. It is alleged that the program had received previous pressures due to its coverage of public interest issues¹⁶¹.

B. Freedom of expression, rule of law and democratic institutions

71. During 2023, RELE continued to observe the concerns of the public authorities regarding lawfare. On January 23, the Secretary of Human Rights of the Nation gave a speech before the United Nations Human Rights Council denouncing "lawfare" and the loss of legitimacy of the Judiciary as one of the main obstacles for the country to guarantee human rights¹⁶². The Secretary acknowledged that lawfare "implies a degradation of the institutional system and jeopardizes the republican system of division of powers", and gave as an example the situation of Vice-President Cristina Fernández de Kirchner, whom he described as a victim of judicial persecution¹⁶³. On this issue, then President Alberto Fernández mentioned during the opening of the ordinary sessions of the National Congress that "for years we have been denouncing the formation of a structure that operates in a coordinated manner involving members of the Judiciary, the media and opposition politicians"¹⁶⁴.

72. In the face of the public authorities' statements, the Rapporteurship recalls that freedom of expression is a cornerstone of the very existence of a democratic society and is indispensable for the formation of public opinion¹⁶⁵. Freedom of the media is an integral part of the right to freedom of expression, in that it allows citizens to seek and receive information and ideas of all kinds, to make informed decisions in all areas of life, to participate in public affairs, and to contribute positively to society¹⁶⁶. Free, pluralistic and independent media are an essential pillar of democracy and, therefore, the protection of media freedom is essential for the proper functioning of society and democratic institutions¹⁶⁷.

73. Therefore, this Office recalls that, as stated in the 2023 Joint Declaration of Freedom of Expression Rapporteurs, "[p]olicymakers and public officials should refrain from making statements that undermine public confidence in the media (...) or endanger the safety of journalists and media workers". In addition, "they should demonstrate high levels of tolerance for critical journalistic reporting, bearing in mind that critical scrutiny of those in positions of power is a legitimate function of the media in a democracy"¹⁶⁸.

74. The Rapporteurship has also received reports on the circulation of hate speech, both in the physical and digital environment. In this regard, the Civil Association of Communicators of Argentina reported on a series of speeches classified as hateful towards the Vice President of the Nation and her daughter, broadcast on the program "+Viviana", on April 6 by the LN+ signal¹⁶⁹. According to the information submitted by the organization, "such violent, aggressive and explicitly hateful expressions were pronounced towards the Vice President and her daughter, who have been victims of this type of attacks countless times, constitute symbolic violence, media violence and also political violence, since it may be a disciplining message for women

¹⁶¹ FATPREN, June 5, 2023, [Salta: Repudiation of censorship against the program "El Repasador"](#); Agenda Salta, June 6, 2023, [José Muñoz on his abrupt departure from Radio Mitre Salta: "It is a blow to freedom of expression"](#).

¹⁶² Ministry of Justice and Human Rights, Secretary of Human Rights. January 23, 2023, [The Secretary of Human Rights denounced lawfare and the loss of legitimacy of the Judiciary before the UN](#).

¹⁶³ Ministry of Justice and Human Rights, Secretary of Human Rights. January 23, 2023, [The Secretary of Human Rights denounced lawfare and the loss of legitimacy of the Judiciary before the UN](#).

¹⁶⁴ Casa Rosada Presidency, March 1, 2023, [Speech by President Alberto Fernández at the opening of the 141st Ordinary Session of the National Congress](#).

¹⁶⁵ I/A Court H.R., Advisory Opinion 5/85. Compulsory Membership in an Association of Journalists (Arts. 13 and 29 American Convention on Human Rights), November 13, 1985, Ser. A No. 5, para. 70.

¹⁶⁶ UN, OSCE, OAS, ACHPR, Joint Declaration on Media Freedom and Democracy, May 2, 2023.

¹⁶⁷ UN, OSCE, OAS, ACHPR, "Joint Declaration on Media Freedom and Democracy," May 2, 2023.

¹⁶⁸ UN, OSCE, OAS, ACHPR, "Joint Declaration on Media Freedom and Democracy," May 2, 2023.

¹⁶⁹ Perfil, April 10, 2023, [El gobierno denunció a Canosa y Laura Di Marco por "expresiones violentas" sobre Florencia Kirchner](#); Télam, April 10, 2023, [El escándalo de Canosa en La Nación+ ya fue denunciado por la ministra de Mujeres](#).

who want to participate in politics"¹⁷⁰. According to information received, the Ombudsman's Office received 309 complaints from audiences related to these messages¹⁷¹.

75. Likewise, the Argentine State reported on "the proliferation of speeches with a strong hate content, which circulate through social networks and mass media, promoting a climate of intolerance, discrimination and violence"¹⁷². In response to this, the Ombudsman's Office, in coordination with various civil society organizations, ministries, universities, journalists and public agencies, promoted meetings, debates and documents in order to "strengthen communicational democracy"¹⁷³. Thus, on the one hand, it worked in different conferences and in the dissemination of an "Act of Commitment to prevent hate speech, the distortion of the Holocaust and other genocides"; held debate meetings on the role of the media in the prevention of hate speech; supported the drafting of manuals and guides on the subject; and launched the "Network of Studies and Actions against Hate Speech" at the University of San Martín¹⁷⁴.

76. In this regard, the Rapporteurship has found that there is a deterioration of the public debate in Argentina, characterized by stigmatizing, discriminatory and intolerant discourse, promoted by different sectors of the citizenry as well as by authorities and public officials. The Rapporteurship considers that attention to this issue, within the framework of democratic institutions, should be governed by an approach anchored in the right to freedom of expression and in accordance with international human rights norms and standards.

77. As noted in the last annual report, "[u]nder international human rights law, limiting 'hate speech' appears to require reconciling two sets of values: the requirements of democratic society to allow for open debate and individual autonomy and development, with the equally compelling obligation to prevent attacks against vulnerable communities and to ensure the equal and non-discriminatory participation of all persons in public life (...). Freedom of expression, the rights to equality and to life, and the obligation of non-discrimination are mutually reinforcing"¹⁷⁵.

78. Article 13.5 of the American Convention prohibits "propaganda for war and any advocacy of national, racial or religious hatred that constitutes incitement to violence or any other similar illegal action against any person or group of persons for any reason, including race, color, religion, language, or national origin...". In this regard, RELE emphasizes that the application of any restrictions on such speech under international human rights law must include an assessment of the six factors identified in the UN Rabat Plan of Action¹⁷⁶. This instrument establishes a contextual - rather than semantic - test of the speech, based on: (1) the social and political context; (2) the category of the speaker; (3) the intent to incite the audience against a particular group; (4) the content and form of the speech; (5) the extent of its dissemination; and (6) the likelihood of harm, including imminent harm of speech alleged to incite violence.¹⁷⁷

79. The Office also monitored the situation in the province of Jujuy in the context of the social protests that took place in June. According to public information, on June 17, in the midst of demonstrations by indigenous peoples and trade unions against the provincial constitutional reform and in demand of salary

¹⁷⁰ Information sent by the Civil Association of Communicators of Argentina, April 11, 2023. Archive of the Office of the Special Rapporteur.

¹⁷¹ Information sent by the Civil Association of Communicators of Argentina, April 11, 2023. Archive of the Office of the Special Rapporteur.

¹⁷² Information sent by the Civil Association of Communicators of Argentina, April 11, 2023. Archive of the Office of the Special Rapporteur.

¹⁷³ Information sent by the Civil Association of Communicators of Argentina, April 11, 2023. Archive of the Office of the Special Rapporteur.

¹⁷⁴ Information sent by the Civil Association of Communicators of Argentina, April 11, 2023. Archive of the Office of the Special Rapporteur.

¹⁷⁵ UN, October 9, 2019, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/74/486, para. 4.

¹⁷⁶ UN, January 11, 2013, Report of the United Nations High Commissioner for Human Rights on the expert workshops on the prohibition of incitement to national, racial or religious hatred. A/HRC/22/17/Add.4.

¹⁷⁷ UN, January 11, 2013, Report of the United Nations High Commissioner for Human Rights on the expert workshops on the prohibition of incitement to national, racial or religious hatred. A/HRC/22/17/Add.4.

increases for teachers, local security forces reportedly used excessive force, tear gas and rubber bullets to dissolve non-violent roadblocks that respected the right of way on federal highways¹⁷⁸.

80. During the demonstrations, several people were reportedly injured due to the use of weapons by the police, including a 17 year old teenager who reportedly lost an eye. Likewise, the State reported the existence of a person injured as a result of the use of a firearm, without knowing his specific health conditions¹⁷⁹. On July 12, the houses of 22 people who had participated in the June 30 march in Humahuaca were raided and they were accused of sedition and deprivation of liberty¹⁸⁰. According to available information, on July 14, teachers' unions and other state agents of Jujuy, together with social, human rights and indigenous organizations, mobilized in the streets of San Salvador de Jujuy to demand the release of the new people detained in the protests¹⁸¹.

81. In a press release, the IACHR emphasized that State security forces have a fundamental role in guaranteeing the safety of those who demonstrate, as well as providing general security to society as a whole. The State must clarify possible excesses in the excessive use of force with due diligence. Likewise, it must ensure that law enforcement agents maintain information that allows for the identification of the chain and execution of orders¹⁸².

82. The IACHR also urged Argentina to establish transparent and voluntary dialogue processes, including local traditional authorities, in order to address the demands of indigenous peoples. In particular, it called on local authorities in the province of Jujuy to engage in a broad and constructive dialogue with teachers' unions and unions mobilized around protests related to teachers' salary claims and provincial constitutional reform¹⁸³.

83. On the other hand, the Rapporteurship followed the sessions of the Constituent Convention of the province of La Rioja, in which one of the topics on the agenda is "freedom of expression and governance" in the framework of the reform of the provincial Constitution. On July 26, in statements during the opening ceremony of the sessions of the Constituent Convention, the governor of La Rioja asked the media to be "aware of their role in the formation of public opinion and constructive debate, knowing the serious consequences of transmitting biased, malicious or libelous messages, by sowing hatred and false news"¹⁸⁴. The provincial authority stated in his speech that "we are far from censorship, but we must defend respect and truth, and in this sense we believe it is appropriate to link the journalistic task with governance"¹⁸⁵. The National Academy of Journalism expressed its concern about the initiative promoted by the governor of La Rioja, warning that "he has an important majority in the Constituent Assembly, which would allow him to establish any reform to the local Constitution regarding freedom of expression"¹⁸⁶. ADEPA, for its part, warned of the risk that "the process of constitutional reform being carried out in La Rioja could end up establishing some kind of restriction to the

¹⁷⁸ IACHR, June 20, 2023, [IACHR: Argentina must respect standards for provincial use of force during protests in Jujuy](#), Press Release No. 127/23.

¹⁷⁹ IACHR, June 20, 2023, [IACHR: Argentina must respect standards for provincial use of force during protests in Jujuy](#), Press Release No. 127/23.

¹⁸⁰ CELS Twitter account / X (@Cels_Argentina), [July 12, 2023](#).

¹⁸¹ Télam, July 14, 2023, [Nuevas protestas en Jujuy para exigir la libertad de los "detenidos por luchar"](#); Telesur, July 14, 2023, [Continúan protestas contra Gobierno de Jujuy, en Argentina](#).

¹⁸² IACHR, June 20, 2023, [IACHR: Argentina must respect standards for provincial use of force during protests in Jujuy](#), Press Release No. 127/23.

¹⁸³ IACHR, June 20, 2023, [IACHR: Argentina must respect standards for provincial use of force during protests in Jujuy](#), Press Release No. 127/23.

¹⁸⁴ TN, July 26, 2023, [Polémica reforma constitucional en La Rioja: el gobernador busca sumar un artículo para controlar a la prensa](#); La Nación, July 27, 2023, [La Academia Nacional de Periodismo exhortó al Gobierno a frenar la ofensiva de Quintela contra la libertad de expresión](#).

¹⁸⁵ TN, July 26, 2023, [Polémica reforma constitucional en La Rioja: el gobernador busca sumar un artículo para controlar a la prensa](#); La Nación, July 27, 2023, [La Academia Nacional de Periodismo exhortó al Gobierno a frenar la ofensiva de Quintela contra la libertad de expresión](#).

¹⁸⁶ La Nación, July 27, 2023, [La Academia Nacional de Periodismo exhortó al Gobierno a frenar la ofensiva de Quintela contra la libertad de expresión](#); Perfil, July 27, 2023, ["Controles para la prensa libre": fuerte comunicado de la Academia de Periodismo contra Ricardo Quintela](#).

freedom of speech and press"¹⁸⁷. This Office was aware of background information on speeches made by the governor that could encourage a restrictive framework towards freedom of the press¹⁸⁸.

84. In the province of Salta, it was learned of an alleged bill that was approved by the congress of the province that would have the effect of protecting public figures, mainly political leaders, from criticism and dissemination of information. The articles would be included in the Code of Contraventions of the province, which would have been approved on July 25 by the Chamber of Deputies and submitted to the discussion process in the Chamber of Senators. According to the information available, digital violence and the dissemination of false news would have been criminalized¹⁸⁹. On July 27, the Association of Journalists of Salta expressed its concern about the regulation of "fake news" expressing that "it only seeks a greater shielding for officials who are liable to be questioned as any other person or even more for their condition of administrators of public affairs"¹⁹⁰.

85. As the Inter-American Court has recognized, the American Convention requires compliance with three basic conditions for a limitation on the right to freedom of expression to be admissible: (1) the limitation must have been precisely and clearly defined through a formal and material law, (2) the limitation must be aimed at achieving compelling objectives authorized by the American Convention, and (3) the limitation must be necessary in a democratic society for the achievement of the compelling aims sought; strictly proportionate to the aim pursued; and suitable for achieving the compelling objective it seeks to achieve¹⁹¹. It is up to the authority imposing the limitations to demonstrate that these conditions have been met. Furthermore, the Court has pointed out that these rules "apply both to the laws that establish them as such, and to the administrative, judicial, police or any other decisions and acts that materialize them, that is to say, to any manifestation of state power that affects the full exercise of freedom of expression"¹⁹².

86. Finally, on December 14, Resolution 943/2023 was published in the Official Gazette, which could affect the guarantees for the exercise of the right to freedom of peaceful assembly¹⁹³. According to the aforementioned Resolution, the police and security forces may intervene in the context of social demonstrations in order to disperse them through the use of force, when there are "impediments to the transit of persons or means of transportation, partial or total blockages of national routes and other roads subject to federal jurisdiction"¹⁹⁴. In addition, the Resolution orders to identify "the authors, accomplices and instigators" of the protests and to register "the data of their leaders and the organization with which they are linked, without prejudice to proceed to their arrest"¹⁹⁵. In this regard, it was learned about the filing of an unconstitutionality lawsuit against said norm¹⁹⁶.

87. Likewise, as RELE was informed, in application of the new protocol, on December 20, in the morning and afternoon, security forces were deployed in the main access points to the City of Buenos Aires and in some train stations, including troops and surveillance cameras¹⁹⁷. In addition, threatening messages were

¹⁸⁷ Adepá. July 26, 2023. [Adepá alerts about the risk of limiting freedom of speech and press freedom in the constitutional reform of La Rioja](#).

¹⁸⁸ Adepá, May 10, 2023, [Preocupación de Adepá por las declaraciones del gobernador de La Rioja](#); La Nación, May 8, 2023, [Elections in La Rioja: Quintela reclamó que el periodismo se autolimita: "Viven de la pauta, deben respetar a los que fuimos electos"](#).

¹⁸⁹ Página12, July 31, 2023, [Más rechazos a la aprobación de una contravención anti fake news en Salta](#); Salta Dice. July 28, 2023. [Bill to shield officials: Association of Journalists pronounced itself against it](#).

¹⁹⁰ Association of Journalists of Salta (Apes), July 27, 2023, [Rejection of the Muzzle Law](#); Opinorte. July 27, 2023, [La Asociación de Periodistas rechazó el proyecto de ley de blindaje a funcionarios](#).

¹⁹¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II. IACHR/RELE/INF. 2/09, December 30, 2009, paras. 67 and 68.

¹⁹² IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II. IACHR/RELE/INF. 2/09, December 30, 2009, para. 64.

¹⁹³ Official Gazette of the Argentine Republic, [Resolution 943/2023 of the Ministry of Security](#), December 15, 2023.

¹⁹⁴ Official Gazette of the Argentine Republic, [Resolution 943/2023 of the Ministry of Security](#), December 15, 2023.

¹⁹⁵ Official Gazette of the Argentine Republic, [Resolution 943/2023 of the Ministry of Security](#), December 15, 2023.

¹⁹⁶ Eldiario.ar, [El MST pidió que la Justicia declare "inconstitucional" al protocolo antipiquetes](#), December 18, 2023; Palabras del Derecho, [Iniciaron una causa judicial en la que requirieron la inconstitucionalidad del Protocolo Antipiquetes](#), December 19, 2023.

¹⁹⁷ X Account of the Ministry of Security (@MinSeg), [December 20, 2023](#); El País, [Así fue la primera gran protesta callejera contra Javier Milei](#), December 20, 2023; Página/12, [Requisa en los colectivos y control policial: el protocolo "antipiquete" en acción](#), December 20, 2023.

reported in official portals such as the mobile application "MiArgentina", train and subway stations, and visual advertising spaces, indicating that people protesting will not collect social plans, and inviting to denounce social organizations to the line¹⁹⁸. Prior to the December 20 mobilization, the Ministers of Security and Human Capital had called on citizens to "stay at home or do a job instead of marching", announced the removal of social plans for those who block streets, and invited to denounce social movements that force people to block roads under threat of withdrawal of social plans¹⁹⁹.

C. Freedom of expression and the fight against discrimination and exclusion

88. The Rapporteurship has followed with concern the situation of women journalists and activists who are targets of attacks and threats because of their gender, while performing their work and expressing themselves publicly on issues of public interest. Thus, for example, according to the information reported, the journalist and gender editor of TN channel, Marina Abiuso, announced that she closed her Twitter account (X) after having suffered harassment for her coverage of several cases of public notoriety²⁰⁰. The Public Defender Mirian Lewin expressed her solidarity with the journalist and emphasized that "the role of gender editors is fundamental for the media to be more democratic and their contents more egalitarian" and that for this reason "they are exposed to attacks and false accusations, and they need support in these situations"²⁰¹.

89. Likewise, journalist Luciana Peker denounced having been the victim of threats and harassment due to her accompaniment of actress Thelma Fardin in the sexual abuse lawsuit against actor Juan Darthes²⁰². Peker stated that she is afraid and that she can no longer continue writing "when each letter has the flip side of a threat"²⁰³. Currently, there is a judicial investigation in charge of the Fiscalía Penal, Contravencional y de Faltas N° 8 of the City of Buenos Aires²⁰⁴.

90. Likewise, the Office received information about alleged death threats against journalist Laura Di Marco of LN+ channel after she expressed her opinion about the Vice President and the state of health of her daughter²⁰⁵. On April 20, Fopea expressed its solidarity with the journalist and warned that "the colleague has been suffering a campaign of harassment on social networks that intensified in recent days and included death threats against her and her daughter"²⁰⁶. On the same date, ADEPA also issued a statement condemning "the death threats and online harassment against the journalist and her family"²⁰⁷.

91. The Argentine State emphasized that "violence against women, lesbians, transvestites and transsexuals in social networks is aimed at excluding participation, limiting freedom of expression and on many occasions it effectively harms the permanence in these areas"²⁰⁸.

¹⁹⁸ El País, [Milei amenaza con quitar las ayudas sociales a quienes corten la calle para protestar](#), December 19, 2023; *Ámbito*, [El mensaje que el Gobierno subió a la app Mi Argentina](#), December 18, 2023; Perfil, ["El que corta no cobra": el Gobierno puso carteles en las estaciones de tren para advertir a los manifestantes](#), December 20, 2023.

¹⁹⁹ X Account of the Office of the President (@OPRArgentina), [December 18, 2023](#); Página/12, [Bullrich no escucha reclamos](#), December 17, 2023; El Cronista, [Sandra Pettovello anunció que los que corten calles no cobrarán el beneficio](#), December 19, 2023; Clarín, ["El que corta, no cobra", anunció el Gobierno, que le quita a los piqueteros el poder de dar de baja los planes sociales](#), December 18, 2023.

²⁰⁰ Perfil, January 24, 2023, [Journalist Marina Abiuso closed her Twitter account: "They created a fake news"](#); Diario Época, January 25, 2023, [Mariana Abiuso closed her Twitter account after being threatened](#).

²⁰¹ X Account for Miriam Lewin (@miriamlewindefe), [January 24, 2023](#).

²⁰² Diario con Vos, May 18, 2023, [Luciana Peker denounced threats, "operaron 9 líneas a nombre de Thelma Fardín"](#); Télam, May 24, 2023, [Luciana Peker: "A las feministas nos atacan por nuestras victorias"](#).

²⁰³ Infobae, May 13, 2023, [Freedom of expression at risk: I am threatened with death for denouncing sexual abuse](#).

²⁰⁴ Information sent by the State of Argentina to the Office of the Special Rapporteur, September 1, 2023. Note from the Defensoría del Público de Servicios de Comunicación Audiovisual. Archive of the Office of the Special Rapporteur.

²⁰⁵ La Nación, April 20, 2023, [Apoyo de Fopea y ADEPA a Laura Di Marco frente a las amenazas que recibió en redes sociales](#); Fundación LED, April 21, 2023, [Amenazas de muerte contra la periodista Laura Di Marco](#).

²⁰⁶ FOPEA, April 20, 2023, [FOPEA expresses its solidarity with journalist Laura Di Marco \(LN+\) and its absolute repudiation of the threats she and her family received](#).

²⁰⁷ ADEPA, April 24, 2023, [ADEPA condemns the death threats and online harassment against Laura Di Marco](#).

²⁰⁸ Information sent by the State of Argentina, September 1, 2023. Note from the Office of the Public Defender of Audiovisual Communication Services.

92. The IACHR and its Office of the Special Rapporteur have recognized that women who actively exercise freedom of expression and maintain a high public profile, such as women journalists, women human rights defenders and women politicians, are doubly attacked for exercising freedom of expression and because of their gender. In this regard, the State's obligations include the duty to investigate facts that may constitute attacks, harassment and threats to women journalists in the exercise of their freedom of expression, and to adopt protection measures for those who are exposed to a special risk with respect to their fundamental rights.

93. As the 2022 Joint Declaration of Freedom Rapporteurs noted, "States should develop and implement integrated prevention, protection, monitoring and response mechanisms to ensure the safety of women journalists," as well as "publicly condemn any attacks on women journalists" and "refrain from making statements that may endanger women."

94. Likewise, the report of the Rapporteurship on Women Journalists and Freedom of Expression recommends that the media adopt measures to ensure the safety of women journalists from gender-based risks²⁰⁹. In this regard, it is crucial that policies and processes be adopted to address sexual and gender-based violence and harassment in both the external and internal work environment, involving women in the creation of these processes and policies, and providing psychosocial and digital safety support, legal assistance, and training and protocols for all staff²¹⁰.

95. This Office received information about the approval by the National Government of Decree No. 304/2023 (hereinafter "the Decree"), which regulates the Law on Equity in Gender Representation in Communication Services No. 27,635 (hereinafter "the Law"), published in the Official Gazette on June 8, 2023²¹¹. As stated in the recitals of the Decree, "The purpose of Law No. 27,635 is to promote equity in the representation of genders from a sexual diversity perspective in communication services, whatever the platform used"²¹². In its Article 2, the Decree creates "an Interinstitutional Coordination Unit within the scope of the Enforcement Authority in order to guarantee the interinstitutional coordination mechanisms and procedures necessary for the effective compliance with Law No. 27,635 being regulated, which may issue its own operating regulations"²¹³.

96. According to the information available, the Law is of mandatory application in the national state-owned media and will be one of the objective criteria that the State will consider for the granting of official advertising to privately-owned media²¹⁴. In addition, the Decree provides that the Ministry of Labor shall be the enforcement authority²¹⁵. According to Article 6 of the Law, "the Application Authority will create a registry of communication services operated by privately managed providers and will issue a certificate of equity in gender representation for those providers that include such principle in their structures and action plans"²¹⁶. Article 7 of the Law stipulates that private providers must prepare an annual report for these purposes, reporting on progress in at least four of the following areas: "a. Personnel selection processes based on respect for the principle of equity in gender representation; b. Labor inclusion policies with a gender and sexual diversity perspective; c. Implementation of ongoing training on gender issues and equal and non-

²⁰⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Women Journalists and Freedom of Expression, OEA/Ser.L/V/II, IACHR/RELE/INF.20/18, October 2018, para. 135.

²¹⁰ UN, OSCE, OAS, ACHPR, Joint Declaration on Freedom of Expression and Gender Justice, May 3, 2022.

²¹¹ Official Gazette of the Argentine Republic, June 8, 2023, [Decree 304/2023. Equity in the Representation of Genders in the Communication Services of the Argentine Republic](#).

²¹² Official Gazette of the Argentine Republic, June 8, 2023, [Decree 304/2023. Equity in the Representation of Genders in the Communication Services of the Argentine Republic](#).

²¹³ Official Gazette of the Argentine Republic, June 8, 2023, [Decree 304/2023. Equity in the Representation of Genders in the Communication Services of the Argentine Republic](#).

²¹⁴ Perfil, July 6, 2023, [Equidad de género en medios: presentaron el decreto reglamentario, que será clave para la pauta oficial](#); Télam, July 5, 2023, [Presentaron el decreto reglamentario de la ley que promueve la equidad de género en los medios](#).

²¹⁵ "SECTION 4.- The MINISTRY OF LABOR, EMPLOYMENT AND SOCIAL SECURITY is hereby appointed as the Authority of Application of Law No. 27,635, which is hereby empowered to issue the clarifying and complementary rules that may be necessary for its implementation". Official Gazette of the Argentine Republic. June 8, 2023. [Decree 304/2023. Equity in the Representation of Genders in the Communication Services of the Argentine Republic](#).

²¹⁶ Official Gazette of the Argentine Republic, July 8, 2021, [Law 27635. Equity in the Representation of Genders in the Communication Services of the Argentine Republic](#).

discriminatory communication, in accordance with current regulations on the subject; d. Actions to support the equitable distribution of care tasks for workers; e. Provision of breastfeeding and/or lactation rooms, and / or breastfeeding and / or breastfeeding and / or breastfeeding rooms with a gender perspective. Provision of breastfeeding rooms and/or child care centers; f. Promotion of the use of gender-inclusive language in the production and dissemination of communication content; and g. Protocol for the prevention of labor and gender-based violence"²¹⁷.

97. The Rapporteurship welcomes these measures adopted by the State, aimed at guaranteeing gender equality within the media, which are in line with the recommendations that this Office has made to the public sector in its thematic reports on women journalists and freedom of expression²¹⁸. In this regard, the Rapporteurship has emphasized the importance of States guaranteeing substantive equality for women in the exercise of freedom of expression and integrating the gender perspective in all initiatives aimed at creating and maintaining a safe and conducive environment for free and independent journalism²¹⁹. As noted, "it is not enough to guarantee women journalists treatment identical to that of their male colleagues. Substantive equality may require differentiated approaches according to the specific needs and risks of women journalists in each context"²²⁰.

98. Finally, the Argentine State, through the Public Ombudsman's Office, warned that media violence against women is an issue that is present in numerous complaints from audiences who come to that body. According to the information reported, the Ombudsman's Office deepened its work on the issue of non-discrimination based on gender or sexual orientation in the audiovisual media, the importance of respecting the identity and gender expression of people and to avoid falling back on approaches that result in stigmatizing²²¹. In this regard, it reported that working groups are being held to prepare recommendations aimed at generating tools for reflection and awareness that make the right to freedom of expression compatible with the need to promote egalitarian treatment that contributes to eradicating existing patterns of inequality that are often reflected in the audiovisual media²²².

D. Freedom of expression and the Internet

99. This Office took cognizance of the presentation before the Chamber of Deputies of the bill that aims to update Law No. 25,326 on Personal Data Protection. The project, developed by the Agency for Access to Public Information (AAIP), seeks to adapt the legislation to the new challenges posed by technology and people's needs, considering that the current law is more than 20 years old²²³. The project consists of 83 articles that seek to expand the current law and among the most important changes are: special protection for minors, with the prohibition of "processing personal data of children and adolescents in games, applications, developments and technological innovations"; the imposition of sanctions in case of non-compliance with the law; the introduction of the principle of extraterritoriality, which implies that the project will apply to organizations outside Argentina, among other aspects²²⁴.

²¹⁷ Official Gazette of the Argentine Republic, July 8, 2021, [Law 27635. Equity in the Representation of Genders in the Communication Services of the Argentine Republic](#).

²¹⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Women Journalists and Freedom of Expression, OEA/Ser.L/V/II, IACHR/RELE/INF.20/18, October 2018; IACHR, Office of the Special Rapporteur for Freedom of Expression, Women Journalists and Newsrooms, OEA/Ser.L/V/II IACHR/RELE/INF.24/22, October 2022.

²¹⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Women Journalists and Freedom of Expression, OEA/Ser.L/V/II, IACHR/RELE/INF.20/18, October 2018, para. 69.

²²⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Women Journalists and Freedom of Expression, OEA/Ser.L/V/II, IACHR/RELE/INF.20/18, October 2018, para. 69.

²²¹ Information sent by the State of Argentina, September 1, 2023. Note from the Office of the Public Defender of Audiovisual Communication Services.

²²² Information sent by the State of Argentina, September 1, 2023. Note from the Office of the Public Defender of Audiovisual Communication Services.

²²³ Argentina, August 2, 2023, [The AAIP presented the Bill to update the Personal Data Protection Law in the Chamber of Deputies](#).

²²⁴ Agency for Access to Public Information, July 2023, [Message 87/2023 Personal Data Protection Bill](#).

100. The Argentine Chamber of Internet (CABASE) warned that the project did not incorporate the main contributions made by the entities that participated in the public consultation process and states that "this omission prevents to consider the final text of the Bill as a consensus project". It also considered that the bill presented "negatively affects Argentina's chances of modernizing its regulation in a way that achieves that balance between a strong protection of the personal data of its inhabitants and the development of the digital economy"²²⁵.

101. The Rapporteurship considers it essential that such a relevant initiative with a significant impact on the rights to freedom of expression and privacy, such as the reform of the Law on the Protection of Personal Data, has a broad, open and participatory consultation process in which civil society actors interested in the matter can participate.

102. In relation to online violence, in July the Chamber of Deputies approved the "Ley Olimpia Argentina" bill, which proposes to add digital violence as an additional form of gender violence in Law 26.485 on Integral Protection of Women²²⁶. As of the closing date of this report, the approval of the law is pending in the Senate.

103. The RELE also learned about an important initiative of the Ombudsman's Office of the Ombudsman of the City of Buenos Aires, which signed the Charter of Commitment against Digital Gender Violence in collaboration with relevant international, institutional and social organizations. The initiative aims to "strengthen consensus and joint work networks to raise awareness, prevent and eradicate this problem that affects the private and public trajectories of women and LGBTQ+ people"²²⁷.

104. In addition, this Office monitored two decisions of the Judiciary related to political manifestations in the online electoral context. On July 7, the Electoral Court of Santa Fe ordered Google to remove from its search engine a set of "ads and publications that discredit" the pre-candidate for governor, Carolina Losada. The court accepted the request mainly due to the anonymous disclosure of the contents by a user called "La Provincial". According to the decision, this anonymous page was carrying out a "dirty campaign" against the pre-candidate and "the mere identification of the advertiser as 'La Provincial' prevents from fully knowing who is the author of the publications and, therefore, how they are financed, a circumstance that goes against the principle of authorial and financial transparency that is imposed in electoral campaigns"²²⁸. Likewise, it requested the company to provide the available information to identify the author and determine the origin of the resources used in the publications²²⁹.

105. On July 11, the same court also granted the request of a pre-candidate for governor who had also denounced the dissemination of false publications against him on anonymous websites. Using a similar argumentation to that of the Losada case, the Electoral Court ordered to deindex, block and/or remove a series of articles hosted in the anonymous sites ellitoralweb.com and elconfidencialweb.com²³⁰.

106. The Rapporteurship was also informed that the Buenos Aires courts declared unconstitutional the use of the Easy Recognition System for Fugitives (SRFP) implemented by the Government of the City of Buenos Aires. The decision was issued by the Administrative and Tax Chamber, which accepted an appeal filed by the Asociación Civil por la Igualdad y la Justicia (Civil Association for Equality and Justice). According to the decision, the SRFP violated privacy and was implemented without sufficient safeguards for citizens' rights. It

²²⁵ Cámara Argentina de Internet, August 11, 2023, [CABASE alerts on Draft Update of the Personal Data Protection Law](#).

²²⁶ [Ámbito](#), July 06, 2023, [Deputies: approved the "Olympia Law" against digital gender violence](#).

²²⁷ Ombudsman's Office of the Autonomous City of Buenos Aires, March 9, 2023, [8M: commitment against digital gender violence](#).

²²⁸ [La Nación](#), July 07, 2023, [The Electoral Justice of Santa Fe ordered Google to remove publications that "discredit Carolina Losada"](#).

²²⁹ [La Capital](#), July 07, 2023, [Google is ordered to cease publications that disqualify Carolina Losada](#).

²³⁰ [Diario Castellanos](#), July 11, 2023, [Santa Fe Electoral Court ordered Google to take down fake news against Pullaro](#); [Política Argentina](#), July 12, 2023, [The Electoral Court ordered Google to take down websites with "grievances" against Maximiliano Pullaro](#).

also ordered the Government to take measures to ensure the protection of the personal data of individuals and established that the System may only be used with prior judicial authorization in specific cases²³¹.

107. The Rapporteurship welcomes this decision, which protects citizens from potential violations of the right to privacy and related rights. Real-time remote biometric recognition has raised serious concerns for international human rights law. As noted by the Office of the United Nations High Commissioner for Human Rights, "a person's biometric information constitutes one of the fundamental attributes of his or her personality, as it reveals unique characteristics that distinguish him or her from other persons. Moreover, remote biometric recognition significantly increases the ability of State authorities to systematically identify and track individuals in public spaces, which undermines the ability of individuals to go about their lives unobserved and has a direct negative impact on the exercise of the rights to freedom of expression, peaceful assembly and association, as well as freedom of movement."²³²

108. Finally, this Office took note of the report sent by the State on the challenges of the digital environment and the need to expand state competencies in this area. In this regard, through the Office of the Public Defender, the State stressed that "given the fundamental role, social responsibility and public interest activity carried out by actors in the digital environment, legislative and institutional measures must be adopted to balance the unequal relationship between social platforms and their users. Therefore, self-regulation is not enough, legal regulations are needed to establish principles, standards and criteria on the responsibility of the platforms; as well as an independent, autonomous and legally created institutionality that represents, promotes and defends the rights of the groups of vulnerable users"²³³. In the opinion of the Ombudsman's Office, it is necessary to "formulate a balanced and respectful regulation of the freedom of expression of social platforms and the rights of their users, through the definition of criteria, principles, standards and procedures to adopt various measures of an administrative, dialogical, pedagogical and symbolic reparation nature in the face of the violation of rights in the virtual environment"²³⁴.

109. It also emphasized that the platforms must respect the principles of human rights and business, "especially taking into account that they carry out an activity that enables the exercise of multiple rights of its users, such as freedom of expression, access to information, dissemination and cultural participation and social protest, among others"²³⁵.

²³¹ Perfil, April 24, 2023, [La Justicia condicionó en la Ciudad la búsqueda de prófugos a través de las cámaras de reconocimiento facial](#); Página 12, April 29, 2023, [La Justicia confirmó la inconstitucionalidad del Sistema de Reconocimiento Facial del gobierno porteño](#).

²³² UN, Report of the United Nations High Commissioner for Human Rights, The Right to Privacy in the Digital Age, A/HRC/48/31, 13 September 2021, paras. 26-27.

²³³ Information sent by the State of Argentina, September 1, 2023. Note from the Office of the Public Defender of Audiovisual Communication Services.

²³⁴ Information sent by the State of Argentina, September 1, 2023. Note from the Office of the Public Defender of Audiovisual Communication Services.

²³⁵ Information sent by the State of Argentina, September 1, 2023. Note from the Office of the Public Defender of Audiovisual Communication Services.

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110. In 2023, the Office of the Special Rapporteur received reports indicating at least one incident between journalists from a local media outlet and police officers, including the confiscation of a telephone and threats of arrest. This Office also received information suggesting that the current administration had decided to reduce the number of weekly press conferences to one. This was in addition to the decision to appoint the Prime Minister's press secretary as general manager of the country's public service media organization. During the course of the year, this Office learned of possible arrests of members and sympathizers of opposition sectors during the CARICOM summit in February for lack of prior authorization. No arrests were reportedly made in the multiple protests also recorded by RELE, which reportedly covered a range of issues, from working conditions to demands for promotions and salary increases, as well as criticism of immigration policies. With respect to the fight against discrimination and exclusion, the Rapporteurship recorded possible setbacks in the area of xenophobia as a result of the arrival of more immigrants to the country. However, it learned of progress in the area of gender equity through conferences, workshops and high-level meetings with *Commonwealth* authorities. Finally, in terms of internet and freedom of expression, the Office of the Special Rapporteur was informed of multiple advances in terms of connectivity, including the expansion of fiber optics in the country, the arrival of satellite internet service, the provision of free internet in dozens of parks and the creation of a roadmap to implement 5G. Despite the above, this Office registered with concern a series of threats against the Prime Minister, the first of which was reportedly viralized through social networks.

A. Journalism and Democracy

111. In early 2023, the Special Rapporteur received the report on media literacy, misinformation and media trust in the Caribbean, published by the *Public Media Alliance (PMA)*, the largest global association of public media organizations, which analyzed the situation in eight countries, including the Bahamas²³⁶. The report has three recommendations for the country: media literacy should be integrated into the school curriculum; the *Utilities Regulation and Competition Authority's (URCA)* content code and criminal code should be updated; and a national media association should be established.²³⁷

112. With respect to media literacy, the *WFP* would recommend that it should be integrated into school courses according to age and grade level to develop skills of discernment and critical analysis of media sources, but also to impart ethical standards in the media.²³⁸

113. Regarding *URCA*, *WFP* would recommend that the country's laws be updated to include regulatory oversight of digital news media to provide greater accountability for online media; likewise, criminal defamation laws should be repealed and the freedom of information law enacted to align the country with best practices.²³⁹

114. Finally, with regard to a media association, the *PMA* suggests that it provide training, oversight and regulation of the news media industry, support efforts to maintain integrity and ethics, and introduce the best standards that would generate greater accountability and increase public confidence. Currently, there would be a press club (*The Bahamas Press Club*) that organizes an annual awards ceremony but does not provide technical support or oversight functions.²⁴⁰

²³⁶ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

²³⁷ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

²³⁸ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

²³⁹ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

²⁴⁰ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

115. In February 2023, the Office of the Special Rapporteur received reports alleging that journalists from *The Tribune* covering an opposition protest at a CARICOM summit were allegedly intimidated by police officers.²⁴¹ According to the information available, an officer reportedly confiscated the cell phone of a Tribune reporter, while another member of the newspaper was threatened with arrest for taking photographs.²⁴² The phone was reportedly returned without explanation as to why it was confiscated in the first place, and the photographer reportedly managed to leave the scene after explaining his affiliation with *The Tribune*.²⁴³ The national security minister reportedly claimed that the area where the CARICOM leaders were meeting was a "sterile area" where exceptions to constitutional rights would apply due to the presence of heads of state, although he did not refer to the journalists who reportedly had incidents with the police at the site.²⁴⁴

116. The Rapporteurship recalls that in relation to journalists and cameramen who are carrying out their work in the context of a public demonstration, they should not be harassed, detained, transferred or suffer any other limitation to their rights because they are exercising their profession. In fact, their work tools should not be confiscated. On the contrary, any action intended to obstruct their work must be prevented, provided that the rights of third parties are not put at risk.²⁴⁵

117. In June 2023, this Office received reports that the press secretary in the Prime Minister's office, Clint Watson, was reportedly appointed general manager of the *Broadcasting Corporation of the Bahamas (BCB)*.²⁴⁶ BCB is the official name of ZNS Bahamas, the country's public service media organization (PSM), which provides online news, four radio networks and the only local television station.²⁴⁷ Prior to his position in the prime minister's office, Mr. Watson reportedly worked at both ZNS and the commercial media outlet *Eyewitness News*.²⁴⁸ According to public information, the now former press secretary reportedly attracted criticism for his involvement in ZNS-related matters while still in office, although he denied claims that he was being paid as a consultant on the matter and that there was a conflict of interest.²⁴⁹ The minister of state responsible for BCB reportedly defended the appointment by stating that the public should evaluate ZNS on the basis of its output; he also reportedly argued that people should not be disqualified from consideration solely on the basis of their previous employment.²⁵⁰

118. The Office of the Special Rapporteur recalls that it is not permissible that behind the apparent legitimate exercise of State powers, discriminatory measures and indirect censorship are concealed in order to punish or pressure a media outlet for disseminating opinions critical of the government.²⁵¹ Likewise, the Rapporteurship emphasizes that States must refrain from any act tending to control information or ideas prior

²⁴¹ The Tribune, [EDITORIAL: Journalists must not be impeded in their duties](#), February 16, 2023.

²⁴² The Tribune, [EDITORIAL: Journalists must not be impeded in their duties](#), February 16, 2023.

²⁴³ The Tribune, [EDITORIAL: Journalists must not be impeded in their duties](#), February 16, 2023.

²⁴⁴ The Tribune, [EDITORIAL: Journalists must not be impeded in their duties](#), February 16, 2023; Caribbean National Weekly, [Bahamas Police warn protestors to stay away from CARICOM summit](#), February 17, 2023.

²⁴⁵ IACHR, Annual Report 2005, Chapter V: Public Demonstrations as an Exercise of Freedom of Expression and Freedom of Assembly, OEA/Ser.L/V/II.124 Doc. 7 27 February 2006, para. 101.

²⁴⁶ The Nassau Guardian, [Watson: No vendetta against anyone at ZNS](#), June 16, 2023; Public Media Alliance, [Concern over political appointment at ZNS Bahamas](#), July 4, 2023; BNN Network, [Concerns Raised Over Appointment of Former OPM Press Secretary as General Manager of Broadcasting Corporation of the Bahamas](#), Undated.

²⁴⁷ The Nassau Guardian, [Watson: No vendetta against anyone at ZNS](#), June 16, 2023; Public Media Alliance, [Concern over political appointment at ZNS Bahamas](#), July 4, 2023; BNN Network, [Concerns Raised Over Appointment of Former OPM Press Secretary as General Manager of Broadcasting Corporation of the Bahamas](#), Undated.

²⁴⁸ The Nassau Guardian, [Watson: No vendetta against anyone at ZNS](#), June 16, 2023; Public Media Alliance, [Concern over political appointment at ZNS Bahamas](#), July 4, 2023; BNN Network, [Concerns Raised Over Appointment of Former OPM Press Secretary as General Manager of Broadcasting Corporation of the Bahamas](#), Undated.

²⁴⁹ The Nassau Guardian, [Watson: No vendetta against anyone at ZNS](#), June 16, 2023; Public Media Alliance, [Concern over political appointment at ZNS Bahamas](#), July 4, 2023; BNN Network, [Concerns Raised Over Appointment of Former OPM Press Secretary as General Manager of Broadcasting Corporation of the Bahamas](#), Undated.

²⁵⁰ The Nassau Guardian, [Watson: No vendetta against anyone at ZNS](#), June 16, 2023; Public Media Alliance, [Concern over political appointment at ZNS Bahamas](#), July 4, 2023; BNN Network, [Concerns Raised Over Appointment of Former OPM Press Secretary as General Manager of Broadcasting Corporation of the Bahamas](#), Undated.

²⁵¹ IACHR, Report No. 48/16, Case 12.799. Merits (Publication), Miguel Ángel Millar Silva and Others (Radio Estrella del Mar de Melinka) regarding Chile, November 29, 2016, para. 94.

to their dissemination, as this prevents both the individual and society as a whole from exercising their right to freedom of expression.²⁵²

119. In September 2023, the Special Rapporteurship was informed that the current administration had reportedly put an end to weekly cabinet press conferences.²⁵³ According to public information, the prime minister's office had reportedly decided to combine the cabinet and prime ministerial press conferences into a single weekly briefing event to "promote efficiency."²⁵⁴ The weekly press conferences would have been resumed in 2021 with the election of the current government.²⁵⁵

120. The Rapporteurship recalls that the functioning of democracy requires the highest possible level of public discussion on the functioning of society and the State in all its aspects, that is, on matters of public interest. In a democratic and pluralistic system, the actions and omissions of the State and its officials must be subject to rigorous scrutiny, not only by internal control bodies, but also by the press and public opinion. Public management and matters of common interest should be subject to control by society as a whole.²⁵⁶ The prevailing importance of the discussion of matters of public interest also leads to the reinforced protection of the right of access to information on public affairs.²⁵⁷

B. Freedom of expression, rule of law and democratic institutions

121. By early 2023, civil society sectors would have identified legislative priorities and opportunities to strengthen transparency and accountability and improve the effectiveness and efficiency of governance in the country. According to public information received by this Office, these would include improvements to the *Public Procurement Act*, the *Public Disclosure Act*, the *Freedom of Information Act (FOIA)*, the *Fiscal Responsibility Act*, and *Education Reform*.²⁵⁸

122. With respect to the procurement law, it would have been proposed to increase transparency and accountability levels with the inclusion of consultants and state-owned companies in the public bidding process and to continue the role of a separate procurement review board to receive bidders' concerns.²⁵⁹

123. For its part, the public disclosure law would have created a disclosure commission that monitors and examines the assets, income and liabilities of sitting parliamentarians and senior public officials, although compliance would have been uneven over the past four decades.²⁶⁰ According to civil society, amending this law could benefit the anti-corruption function of the law and provide more accessibility, accountability and transparency through the creation of an online platform for individuals to complete declarations; this would also allow the public to monitor and evaluate whether public and elected officials have completed their declarations.²⁶¹

²⁵² IACHR, Report No. 67/06, Case No. 12.467. Merits (Publication), Oscar Elías Biscet and Others regarding Cuba, October 21, 2006, para. 200.

²⁵³ The Nassau Guardian, [Govt to end Cabinet press briefings](#), September 12, 2023; The Tribune, ['Scrapping briefings in keeping with PLP style.'](#), September 19, 2023.

²⁵⁴ The Nassau Guardian, [Govt to end Cabinet press briefings](#), September 12, 2023; The Tribune, ['Scrapping briefings in keeping with PLP style.'](#), September 19, 2023.

²⁵⁵ The Nassau Guardian, [Govt to end Cabinet press briefings](#), September 12, 2023; The Tribune, ['Scrapping briefings in keeping with PLP style.'](#), September 19, 2023.

²⁵⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II. IACHR/RELE/INF. 2/09, December 30, 2009, para. 33.

²⁵⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II. IACHR/RELE/INF. 2/09, December 30, 2009, para. 37.

²⁵⁸ Organization for Responsible Governance, [ORG Policy Priorities For 2023](#), Undated; The Tribune, [Amendments to Procurement Act good, but there's still opportunity for strengthening](#), March 17, 2023.

²⁵⁹ Organization for Responsible Governance, [ORG Policy Priorities For 2023](#), Undated.

²⁶⁰ Organization for Responsible Governance, [ORG Policy Priorities For 2023](#), Undated.

²⁶¹ Organization for Responsible Governance, [ORG Policy Priorities For 2023](#), Undated.

124. Finally, civil society reportedly recognized that full implementation of the freedom of information law could take time, recommending that efforts be accelerated so that citizens can enjoy this right.²⁶²

125. In February 2023, members and supporters of the *Coalition of Independents (COI)* were reportedly arrested after organizing a protest prior to a meeting of CARICOM leaders at a resort in the Bahamas, according to information received by this Office.²⁶³ The demonstrators were reportedly protesting an alleged "immigration crisis" in the country and allegedly argued that their rights to freedom of assembly were violated.²⁶⁴ In a press release, the police reportedly stated that 18 people were arrested for the following offenses: unlawful assembly without proper authorization, resisting arrest, and causing a nuisance; the officers sent to the meeting point reportedly asked those present to disperse and leave the area immediately, which they reportedly resisted.²⁶⁵ In that statement, police also reportedly advised the public to "avoid the conference area if you can as much as possible for the next two days."²⁶⁶

126. The Rapporteurship recalls that the exercise of the right of assembly through social protest should not be subject to authorization by the authorities or to excessive requirements that hinder its realization. Legal requirements that provide a basis for an assembly or demonstration to be prohibited or limited, for example, through the requirement of a prior permit, are not compatible with the right of assembly or with the exercise of freedom of expression in the Inter-American system.²⁶⁷

127. Likewise, the Rapporteurship recalls that the participation of societies through social manifestation is important for the consolidation of the democratic life of societies and that, in general, as an exercise of freedom of expression, it is of imperative social interest, which leaves the State with an even narrower framework to justify a limitation to this form of exercise of freedom of expression.²⁶⁸

128. In March 2023, the Office of the Special Rapporteur received reports alleging that some members of the *Freedom National Movement (FNM)* allegedly prevented the former leader of that party and Prime Minister of The Bahamas until September 2021 from speaking at *constituency association meetings*.²⁶⁹ According to public information, other members of the *FNM* reportedly rejected this behavior, calling it "censorship."²⁷⁰

129. The Office of the Special Rapporteur recalls that public officials and public figures, in a democratic society, have a different threshold of protection, which exposes them to a greater degree to public scrutiny and criticism, which is justified by the public interest nature of the activities they perform, because

²⁶² Organization for Responsible Governance, [ORG Policy Priorities For 2023](#), Undated.

²⁶³ Eyewitness News, [Bain and supporters arrested after protest ahead of CARICOM meetings](#), February 16, 2023; Bahamas Local, [Protestors arrested ahead of CARICOM meeting](#), February 16, 2023; Caribbean Loop News, [Bahamian police warn protestors to stay away from CARICOM summit](#), February 17, 2023.

²⁶⁴ Eyewitness News, [Bain and supporters arrested after protest ahead of CARICOM meetings](#), February 16, 2023; Bahamas Local, [Protestors arrested ahead of CARICOM meeting](#), February 16, 2023; Caribbean Loop News, [Bahamian police warn protestors to stay away from CARICOM summit](#), February 17, 2023.

²⁶⁵ Eyewitness News, [Bain and supporters arrested after protest ahead of CARICOM meetings](#), February 16, 2023; Bahamas Local, [Protestors arrested ahead of CARICOM meeting](#), February 16, 2023; Caribbean Loop News, [Bahamian police warn protestors to stay away from CARICOM summit](#), February 17, 2023.

²⁶⁶ Eyewitness News, [Bain and supporters arrested after protest ahead of CARICOM meetings](#), February 16, 2023; Bahamas Local, [Protestors arrested ahead of CARICOM meeting](#), February 16, 2023; Caribbean Loop News, [Bahamian police warn protestors to stay away from CARICOM summit](#), February 17, 2023.

²⁶⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 56.

²⁶⁸ IACHR, Annual Report 2002, Chapter IV: Freedom of Expression and Poverty, 2003, para. 34.

²⁶⁹ The Nassau Guardian, [FNM MP says let Dr. Minnis speak](#), March 7, 2023; The Tribune, ['WAR' IN FNM IF MINNIS SILENCED: Ex-PM addresses event amid claims leadership of party tried to stop him](#), March 8, 2023.

²⁷⁰ The Nassau Guardian, [FNM MP says let Dr. Minnis speak](#), March 7, 2023; The Tribune, ['WAR' IN FNM IF MINNIS SILENCED: Ex-PM addresses event amid claims leadership of party tried to stop him](#), March 8, 2023.

they have voluntarily exposed themselves to more demanding scrutiny and because they have an enormous capacity to controvert information through their convening power²⁷¹.

130. In June 2023, RELE was informed about progress in the implementation of the Freedom of Information Act [*Freedom of Information Act (FOIA)*], originally sanctioned in 2017.²⁷² According to public information, the Minister of State for Political Affairs reportedly assured that the first phase would be implemented in November 2023.²⁷³ As reported by this Office in its last annual report, the government would have announced in February 2022 that 10 ministries and government agencies would begin implementing FOIA.²⁷⁴ The *Minister of State for Legal Affairs* reportedly reiterated that 10 agencies would be involved in the deployment of the first phase: the Ministry of Health, the Ministry of Finance, the Ministry of Works, Energy and Light of the Bahamas, the Department of Public Procurement, the Treasury, the Bahamas Investment Authority, the Ministry of Public Service, the Ministry of the Environment and the Department of Immigration.²⁷⁵ Likewise, according to the official, information managers in each of these agencies have already been identified and trained with the support of the *Office of Information Commissioner (OIC)* in May 2023.²⁷⁶ According to the information available, the OIC would be identifying other State agencies and preparing more training sessions.²⁷⁷ Finally, the Minister of State reportedly highlighted that a crucial aspect of the FOIA rollout would be the establishment of an electronic tracking system to track access to information requests and report as required by law; the bidding process to select a vendor to provide a tracking system has already begun and the award of the bid should be announced before the end of the year.²⁷⁸

131. The Rapporteurship emphasizes that the right of access to public information imposes on the State the obligation to proactively disclose information on its functions, activities and management of public resources on a routine basis, even in the absence of a request for access to public information, ensuring that the information is accessible, understandable and up-to-date.²⁷⁹

132. Similarly, in June 2023, this Office received reports indicating a concern from civil society sectors about the lack of funding in the Government of The Bahamas' proposed 2023-2024 annual national budget for national programs and mechanisms that enhance transparency and accountability.²⁸⁰ According to available information, of particular concern is the proposed funding for the unit implementing the Freedom of Information Act, which would remain stagnant at \$140,000.²⁸¹ Also of note would be the absence of funding for an *ombudsman*, the apparent insufficient appropriation for the *Public Disclosures Commission*, and the alleged

²⁷¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II CIDH/RELE/INF. 2/09, December 30, 2009, para. 40; IACHR, Annual Report 1994, Ch. V: Report on the compatibility between desacato laws and the ACHR, OEA/Ser. L/V/II.88, doc. 9 rev., Feb. 17, 1995.

²⁷² IACHR, Annual Report 2021, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 64 rev. 1, May 26, 2022, paras. 58-59.

²⁷³ The Nassau Guardian, [Freedom of Information Act's first phase by Nov](#), June 14, 2023; The Tribune, [FOIA system rollout anticipated to be ready before end of year](#), June 14, 2023.

²⁷⁴ IACHR, Annual Report 2022, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 50. 6 March 2023, paras. 93 and 94.

²⁷⁵ The Nassau Guardian, [Freedom of Information Act's first phase by Nov](#), June 14, 2023; The Tribune, [FOIA system rollout anticipated to be ready before end of year](#), June 14, 2023.

²⁷⁶ The Government of The Bahamas, [Information Managers begin training on Freedom of Information Act](#), May 17, 2023.

²⁷⁷ IACHR, Annual Report 2022, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 50. 6 March 2023, paras. 93 and 94.

²⁷⁸ The Nassau Guardian, [Freedom of Information Act's first phase by Nov](#), June 14, 2023; The Tribune, [FOIA system rollout anticipated to be ready before end of year](#), June 14, 2023.

²⁷⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Right to Information and National Security, OEA/Ser.L/V/II, IACHR/RELE/INF.24/20, July 2020, para. 150.

²⁸⁰ Organization for Responsible Governance, [ORG Calls for Attention to Mechanisms for Transparency and Accountability in the 2023/24 Budget](#), June 20, 2023.

²⁸¹ Organization for Responsible Governance, [ORG Calls for Attention to Mechanisms for Transparency and Accountability in the 2023/24 Budget](#), June 20, 2023.

elimination of an *independent Procurement Board* set up to receive and adjudicate supplier concerns related to government contracts.²⁸²

133. Over the course of 2023, the Rapporteurship recorded multiple reports of protests in the country. In February, it recorded that members of the Bahamas Public Service Union reportedly protested in front of the Ministry of Works' facilities over the decision to have some staff supervised by the Parks and Beaches Authority.²⁸³ The protesters reportedly accused the institution's management of overstepping its authority and not having the administrative structure and means to provide favorable working conditions.²⁸⁴

134. In March, members of the *Bahamas General Workers Union (BGWU)*, employed at the *Bahamas Technical and Vocational Institute (BTVI)*, reportedly expressed their dissatisfaction with the possible signing of an industrial agreement in which they were not involved.²⁸⁵ In June, *BTVI* teachers reportedly protested the alleged deadlock in negotiations between *BTVI* and the *Union of Tertiary Educators of The Bahamas (UTEB)*, and requested the government's intervention to sign an industrial agreement.²⁸⁶

135. Also, in March, this Office recorded that a group of vendors at a local handicrafts market reportedly protested a change in the rotation system in place since the pandemic.²⁸⁷

136. Between June and July, this Office recorded protests at the premises of the Prime Minister's office in which public sector employees, particularly financial employees, reportedly demanded promotions and salary increases.²⁸⁸ The country's public service minister reportedly assured that the promotions would be completed, recalling that it would be a process that could take time because it is exhaustive and requires a series of internal reviews.²⁸⁹ Likewise, in July, another group of civil servants reportedly protested, this time in front of the assembly chamber, to demand promotions, better financial benefits, and the streamlining of hiring processes.²⁹⁰ Similar requests were reportedly voiced by social service and dental workers outside the assembly chamber²⁹¹.

137. In July, the Office of the Special Rapporteur received reports that members of the opposition had demonstrated to request the dismissal of the Minister of Labor and Immigration for his policies on regularizing migrants, granting work permits, and granting citizenship to a Haitian family during a funeral service, among others.²⁹² The opposition would have asked a commission to collect information on how many

²⁸² Organization for Responsible Governance, [ORG Calls for Attention to Mechanisms for Transparency and Accountability in the 2023/24 Budget](#), June 20, 2023.

²⁸³ Eyewitness News, [Public servants protest outside ministry of works](#), February 4, 2023; The Tribune, [BPSU members protest over Parks and Beaches management](#), February 6, 2023.

²⁸⁴ Eyewitness News, [Public servants protest outside ministry of works](#), February 4, 2023; The Tribune, [BPSU members protest over Parks and Beaches management](#), February 6, 2023.

²⁸⁵ Our News, [BTVI workers protest industrial agreement with BGWU](#), March 2, 2023; Eyewitness News, [BTVI workers protest industrial agreement signing](#), March 2, 2023.

²⁸⁶ Eyewitness News, [BTVI faculty protests over unsigned industrial agreement](#), June 6, 2023; The Tribune, [BTVI faculty protest stalled negotiations, calls for govt intervention](#), June 6, 2023.

²⁸⁷ Eyewitness News, [Vendors protest against full straw market re-opening](#), March 11, 2023; The Tribune, [Few straw vendors fully support the re-opening of Bay Street Straw Market](#), March 14, 2023.

²⁸⁸ Eyewitness News, [BPSU members protest over promotions at OPM](#), June 10, 2023; Eyewitness News, [Financial officers protest over promotions](#), July 1, 2023; The Tribune, [Glover-Rolle says promotion for financial officers should be completed within three weeks](#), July 3, 2023.

²⁸⁹ Eyewitness News, [BPSU members protest over promotions at OPM](#), June 10, 2023; Eyewitness News, [Financial officers protest over promotions](#), July 1, 2023; The Tribune, [Glover-Rolle says promotion for financial officers should be completed within three weeks](#), July 3, 2023.

²⁹⁰ The Tribune, [Public servants protest for better treatment](#), July 27, 2023; Eyewitness News, [Social Services workers and dental officers protest outside HOA](#), July 27, 2023.

²⁹¹ The Tribune, [Public servants protest for better treatment](#), July 27, 2023; Eyewitness News, [Social Services workers and dental officers protest outside HOA](#), July 27, 2023.

²⁹² The Tribune, [BELL 'IMPROPER': Minister said oath given at funeral was unorthodox](#), June 27, 2023; Eyewitness News, [FNM protests again for Bell's removal](#), July 1, 2023; Our News, [Protestors Clash Over Keith Bell Controversy](#), July 24, 2023.

people have entered the country and where they are, as well as to conduct an audit of the work permits granted and investigate possible irregularities.²⁹³

138. The Office of the Special Rapporteur emphasizes that public demonstrations are considered an exercise of freedom of expression, since the expression of opinions, dissemination of information and articulation of demands are central objectives of protests.²⁹⁴ Likewise, this Office recalls that the authorities must facilitate the holding of meetings, social protests or public demonstrations, ensuring that they can be carried out, seen and heard by the target public in the space chosen by the organizers, so that the message that the organizers and participants wish to disseminate can reach them. Therefore, as a general rule, the right to demonstrate and protest includes the right to choose the time, place and manner of doing so²⁹⁵.

C. Freedom of expression and the fight against discrimination and exclusion

139. Between January and February 2023, RELE learned that members of the *Coalition of Independents (COI)* reportedly protested outside the House of Assembly and the Prime Minister's office over what they believe to be an immigration crisis.²⁹⁶ The protesters reportedly gathered along Parliament Street, but were later redirected by police to Rawson Square.²⁹⁷ Those present reportedly alluded to the proliferation of crime, guns and drugs as alleged results of immigration, especially Haitian immigration²⁹⁸. The Minister of Labor and Immigration reportedly stated that he respects the right to peaceful protest and that xenophobia would have no place in the Bahamas²⁹⁹.

140. The Office of the Special Rapporteur reiterates that independent watchdogs can play an important role in identifying and denouncing hate content, as well as in promoting the application of the highest ethical standards. However, in doing so they must adhere to international human rights standards³⁰⁰.

141. In May 2023, in the framework of the International Day of Girls in Information and Communication Technologies (April 27), this Office was also informed that the Bahamas *Telecommunications Company (BTC)* and the *Utilities Regulation and Competition Authority (URCA)*, among others, reportedly organized an event to inspire and encourage young women to pursue careers in this field³⁰¹. According to available information, the event would have featured experts in the ICT field and practical workshops³⁰².

142. Similarly, in May 2023, the Rapporteurship learned that the documentary "Two-Faced: Gender Inequality in The Bahamas" by Gina Rodgers-Sealy on gender inequality in the Bahamas had a successful premiere and is reportedly stimulating a national dialogue on this issue³⁰³. According to available

²⁹³ The Tribune, [BELL 'IMPROPER': Minister said oath given at funeral was unorthodox](#), June 27, 2023; Eyewitness News, [FNM protests again for Bell's removal](#), July 1, 2023; Our News, [Protestors Clash Over Keith Bell Controversy](#), July 24, 2023.

²⁹⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 18.

²⁹⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 73.

²⁹⁶ Eyewitness News, [COI protests outside OPM over 'immigration crisis'](#), January 18, 2023; The Tribune, [Coalition gives govt '14 days' to act on migration](#), January 18, 2023; The Tribune, [Coalition of Independents holds protest over illegal immigration](#), February 2, 2023; Eyewitness News, ['Let sanity prevail': Immigration minister calls for end to xenophobia, arbitrary harassment as protests continue](#), February 2, 2023.

²⁹⁷ The Tribune, [Coalition of Independents holds protest over illegal immigration](#), February 2, 2023; Eyewitness News, ['Let sanity prevail': Immigration minister calls for end to xenophobia, arbitrary harassment as protests continue](#), February 2, 2023.

²⁹⁸ The Tribune, [Coalition of Independents holds protest over illegal immigration](#), February 2, 2023; Eyewitness News, ['Let sanity prevail': Immigration minister calls for end to xenophobia, arbitrary harassment as protests continue](#), February 2, 2023.

²⁹⁹ The Tribune, [Coalition of Independents holds protest over illegal immigration](#), February 2, 2023; Eyewitness News, ['Let sanity prevail': Immigration minister calls for end to xenophobia, arbitrary harassment as protests continue](#), February 2, 2023.

³⁰⁰ IACHR, Violence against LGBTI persons, OAS/Ser.L/V/II.rev.2 Doc. 36, 12 November 2015, para. 240.

³⁰¹ Eyewitness News, [BTC celebrates girls in ICT day](#), May 4, 2023.

³⁰² Eyewitness News, [BTC celebrates girls in ICT day](#), May 4, 2023.

³⁰³ Eyewitness News, [Groundbreaking documentary on gender inequality enjoys successful premiere](#), May 17, 2023.

information, the documentary analyzes the impact of gender inequality, the lack of female representation in Parliament, spousal rape, gender-based violence and the lack of equal pay³⁰⁴.

143. In July 2023, the Rapporteurship learned that the fifth *Shirley Hall Bass* Forum for Dance Educators would be held July 27-30, 2023, hosted by the University of The Bahamas, in collaboration with the Ministry of Education and Ministry of Youth, Sports and Culture³⁰⁵. As part of The Bahamas' 50th anniversary, the *Shirley Hall Bass* Foundation reportedly expanded the forum to a four-day conference that would focus on building national identity through the performing arts and public programming³⁰⁶. According to the information disseminated, workshops would focus on Afro-Diasporic dance traditions and lectures would address the impact of dance education on the Orange economy and the general welfare, creativity and critical thinking skills³⁰⁷.

144. In August 2023, this Office was informed that the government of the Bahamas organized a meeting between *Commonwealth women's* affairs ministers between the 21st and 23rd of that month.³⁰⁸ According to public information, the authorities present reportedly committed to a roadmap designed to expand efforts to achieve gender equality and empower women and girls, especially in climate action³⁰⁹. The roadmap would also have been shaped by input from a range of stakeholders, including survivors of domestic violence, civil society representatives and women with disabilities³¹⁰.

145. The Office of the Special Rapporteur emphasizes that the importance of women's exercise of the right to freedom of expression stems, among other reasons, from the role of this right in achieving effective gender equality and strengthening democracy. While gender equality is inherent to freedom of expression as a fundamental right, the exercise of freedom of expression is a key instrument for promoting gender equality³¹¹. Therefore, States are under the obligation to adopt positive measures aimed at guaranteeing substantive equality for women in the exercise of freedom of expression and the transformation of institutions, systems, roles and stereotypes that perpetuate their inequality and exclusion from public debate³¹².

D. Freedom of expression and the Internet

146. Since last year, the Rapporteurship has received updates on the government's *ParkConnect* initiative, in which companies such as the Bahamas *Telecommunications Company (BTC)* are reportedly providing internet to more than 42 parks across the country³¹³. According to available information, the initiative created by the Prime Minister's office, the Ministry of Economic Affairs and the private telecommunications sector would seek to bridge the digital divide by providing free internet access in designated constituency parks and community centers throughout the Bahamas³¹⁴. Likewise, the

³⁰⁴ Eyewitness News, [Groundbreaking documentary on gender inequality enjoys successful premiere](#), May 17, 2023.

³⁰⁵ Shirley Hall Bass, [Dance Integration: Beyond Imagination. Moving A Nation One Classroom at A Time](#), July 21, 2023; The Nassau Guardian, [Dance integration: beyond imagination](#), July 21, 2023.

³⁰⁶ Shirley Hall Bass, [Dance Integration: Beyond Imagination. Moving A Nation One Classroom at A Time](#), July 21, 2023; The Nassau Guardian, [Dance integration: beyond imagination](#), July 21, 2023.

³⁰⁷ Shirley Hall Bass, [Dance Integration: Beyond Imagination. Moving A Nation One Classroom at A Time](#), July 21, 2023; The Nassau Guardian, [Dance integration: beyond imagination](#), July 21, 2023.

³⁰⁸ The Commonwealth, [Commonwealth women's affairs ministers endorse roadmap to fast-track gender equality](#), August 24, 2023.

³⁰⁹ The Commonwealth, [Commonwealth women's affairs ministers endorse roadmap to fast-track gender equality](#), August 24, 2023.

³¹⁰ The Commonwealth, [Commonwealth women's affairs ministers endorse roadmap to fast-track gender equality](#), August 24, 2023.

³¹¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Women Journalists and Freedom of Expression, OEA/Ser.L/V/II, IACHR/RELE/INF.20/18, October 2018, para. 65.

³¹² IACHR, Office of the Special Rapporteur for Freedom of Expression, Women Journalists and Freedom of Expression, OEA/Ser.L/V/II, IACHR/RELE/INF.20/18, October 2018, para. 69.

³¹³ BTC, [BTC connects 30 parks to free Wi-Fi](#), Oct. 26, 2022; Eyewitness News, [BTC continues to support govt's free Wi-Fi initiative in public parks](#), May 3, 2023.

³¹⁴ BTC, [BTC connects 30 parks to free Wi-Fi](#), Oct. 26, 2022; Eyewitness News, [BTC continues to support govt's free Wi-Fi initiative in public parks](#), May 3, 2023.

Rapporteurship learned that *BTC* would be expanding its fiber optic network throughout the country, most recently in Cooper's Town, Abaco and Sandyport, on the island of New Providence³¹⁵.

147. According to public information and as of the date of publication of this annual report, the entire information and communications technology (ICT) sector, including radio, television and internet broadband provision would be regulated by an independent body, the *Utilities Regulation and Competition Authority (URCA)*³¹⁶. According to its latest annual report, the *URCA* and regulatory team for the electronic communications sector would focus in 2023 on: addressing the challenge of accessibility and affordability of telecommunications services in underserved and underserved Family Island communities; facilitating ongoing digital transformation initiatives that are vital to national growth and development; developing a new *ECS* sector policy that reflects the Government's vision and objectives for the sector for the next three years; implement a digitized approach to consumer protection and a public education and engagement campaign focused on creating more informed subscribers; and create a more structured approach to Bahamian participation in the work of international telecommunications organizations³¹⁷.

148. In April 2023, the Rapporteurship learned that the *Starlink* high-speed satellite internet system had been authorized by *URCA* two months earlier, in February, according to the regulator's recently released public registry of licensees document³¹⁸. In its response to *URCA*'s annual plan, the *Bahamas Telecommunications Company (BTC)* reportedly expressed competition from low-orbit satellite providers as a threat to domestic business in the wake of the COVID-19 pandemic, possible declining revenues due to inflation and reduced consumer spending³¹⁹. Also, the *Cable Bahamas Ltd. (CBL)* group reportedly insisted that *URCA* submit a revised spectrum plan as incumbent ISPs face "the new and rapidly developing satellite-to-mobile industry"³²⁰.

149. In May 2023, the *Utilities Regulation and Competition Authority (URCA)* reportedly concluded a public consultation with the objective of assessing the demand for enhanced internet connectivity services, including 5G, in The Bahamas and identifying current technology gaps and deficiencies with respect to such demands³²¹. According to public information, *URCA* has committed to undertake a review of the regulatory framework for universal service and investment incentives to deploy Internet access services in remote areas; monitor quality of service to ensure that connectivity services are provided with an adequate quality and level of customer care for all end users in The Bahamas; and maintain fluid communication with representatives of the business community, public sector and operators to discuss current service delivery/experience and how to facilitate compliance with any existing and/or future 5G use cases in The Bahamas³²².

150. *(CBL)/Aliv* and *Bahamas Telecommunications Company (BTC)* were reportedly concerned about the ultimate cost of 5G deployment, noting that the two mobile companies would not be able to bear the cost of 5G alone³²³. *BTC* would have suggested that an appropriate universal *service objective (USO)* government funding program be established for The Bahamas as part of the planned review of *URCA*'s

³¹⁵ Eyewitness News, [BTC continues its fiber expansion nationwide](#), February 22, 2023.

³¹⁶ The Nassau Guardian, [Documenting history](#), July 7, 2023; Bahamas Financial Services Board, [Utilities Regulation and Competition Authority](#), Undated.

³¹⁷ *URCA*, [2022 Annual Report and 2023 Annual Plan](#), April 28, 2023.

³¹⁸ The Nassau Guardian, [Elon Musk's Starlink licensed to operate in The Bahamas](#), April 4, 2023; ZNS Northern Service, [Bahamians now have an alternative for internet service](#), April 27, 2023; *URCA*, [URCA Annual Report 2022 & 2023 Annual Plan](#), April 28, 2023.

³¹⁹ The Nassau Guardian, [Elon Musk's Starlink licensed to operate in The Bahamas](#), April 4, 2023; ZNS Northern Service, [Bahamians now have an alternative for internet service](#), April 27, 2023; *URCA*, [URCA Annual Report 2022 & 2023 Annual Plan](#), April 28, 2023.

³²⁰ The Nassau Guardian, [Elon Musk's Starlink licensed to operate in The Bahamas](#), April 4, 2023; ZNS Northern Service, [Bahamians now have an alternative for internet service](#), April 27, 2023; *URCA*, [URCA Annual Report 2022 & 2023 Annual Plan](#), April 28, 2023.

³²¹ *URCA*, [Public consultation on the demand for enhanced internet connectivity and 5G in The Bahamas](#), June 5, 2023.

³²² *URCA*, [Public consultation on the demand for enhanced internet connectivity and 5G in The Bahamas](#), June 5, 2023.

³²³ *URCA*, [Public consultation on the demand for enhanced internet connectivity and 5G in The Bahamas](#), June 5, 2023; The Nassau Guardian, [BTC and Cable Bahamas say they cannot bear the cost of 5G rollout alone](#), September 6, 2023.

universal service framework³²⁴. Both companies also reportedly asked URCA and the government to make a final decision on the possibility of a third mobile license, and to address spectrum allocation, mast deployment, network sharing and the decision on a third mobile operator³²⁵. Regarding connectivity on relatively remote islands, *CBL/Aliv* would have pointed out that the provision of high-speed broadband services in these locations would be costly and should be funded by taxpayers because of the wider economic benefits to the country³²⁶.

151. The Office of the Special Rapporteur emphasizes that actions should be taken to progressively promote universal access not only to infrastructure, but also to the technology necessary for its use and to the greatest possible amount of information available on the network; to eliminate arbitrary barriers to access to infrastructure, technology and online information; and to adopt measures of positive differentiation to allow the effective enjoyment of this right to persons or communities that require it due to their circumstances of marginalization or discrimination³²⁷.

152. On February 3, 2023, the Rapporteurship was informed that a video allegedly circulated on social media of a man threatening the Prime Minister³²⁸. The video was allegedly taken during a protest held by the *Coalition of Independents (COI)* days earlier outside the parliament building³²⁹. The police are reportedly committed to finding the person responsible for the threat. The Prime Minister's office also reportedly received two calls on the same day threatening his life, although it is not known whether they were related to those made in the video in question³³⁰.

153. In July 2023, RELE learned that the government of The Bahamas has agreed to join the establishment of the European Union-Latin America and the Caribbean Digital Alliance³³¹. According to a joint statement, the alliance would provide regular dialogue and cooperation on digital issues for the benefit of citizens in the signatory countries³³². The EU-LAC Digital Alliance would promote cooperation on digital policy dialogue, Internet governance, data governance, infrastructure, connectivity, cybersecurity and cybercrime, data protection, artificial intelligence and other emerging digital technologies, skills development, entrepreneurship and innovation, digital trade, and space-related activities such as Copernicus Earth observation data and Galileo/EGNOS satellite navigation applications and services³³³.

³²⁴ URCA, [Public consultation on the demand for enhanced internet connectivity and 5G in The Bahamas](#), June 5, 2023; The Nassau Guardian, [BTC and Cable Bahamas say they cannot bear the cost of 5G rollout alone](#), September 6, 2023.

³²⁵ URCA, [Public consultation on the demand for enhanced internet connectivity and 5G in The Bahamas](#), June 5, 2023; The Nassau Guardian, [BTC and Cable Bahamas say they cannot bear the cost of 5G rollout alone](#), September 6, 2023.

³²⁶ URCA, [Public consultation on the demand for enhanced internet connectivity and 5G in The Bahamas](#), June 5, 2023; The Nassau Guardian, [BTC and Cable Bahamas say they cannot bear the cost of 5G rollout alone](#), September 6, 2023.

³²⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 15.

³²⁸ St. Vincent Times, [Bahamas: Threats against Prime Minister Philip Davis life under investigation](#), 4 February 2023; Caribbean Loop News, [Bahamian police investigate threats against PM's life](#), 4 February 2023.

³²⁹ St. Vincent Times, [Bahamas: Threats against Prime Minister Philip Davis life under investigation](#), 4 February 2023; Caribbean Loop News, [Bahamian police investigate threats against PM's life](#), 4 February 2023.

³³⁰ Caribbean Loop News, [Bahamian police investigate threats against PM's life](#), February 4, 2023; Caribbean National Weekly, [Investigation underway following death threats against Bahamian PM Phillip Davis](#), February 5, 2023.

³³¹ European Commission, [EU-Latin America and Caribbean: Joint Declaration on a Digital Alliance](#), July 17, 2023.

³³² European Commission, [EU-Latin America and Caribbean: Joint Declaration on a Digital Alliance](#), July 17, 2023.

³³³ European Commission, [EU-Latin America and Caribbean: Joint Declaration on a Digital Alliance](#), July 17, 2023.

BARBADOS

154. In 2023, the Office of the Special Rapporteur recorded significant developments in the area of media and journalism in the Caribbean. In particular, this Office took note of all the training sessions for journalists and media workers in the country, the publication of reports on media literacy, disinformation and trust in the Caribbean media, and the dissemination of manuals on the coverage of climate change. The Office also recorded progress in investigative journalism in the country. Regarding protests, this Office took note of multiple demonstrations involving members of civil society and employees of public and private companies regarding labor conditions and bills for child protection and labor reform. In the legal sphere, the Rapporteurship recorded the annulment of a general order that would have prohibited all public officials and employees from participating in politics. In the area of freedom of expression and the fight against discrimination and exclusion, this Office received with concern a report on the LGBTI population in Barbados that revealed the prevalence of stigmatization and discrimination, resulting in a high percentage of suicidal thoughts. Despite the above, this Office recorded progress in the decriminalization of consensual private relations between persons of the same sex, as well as efforts to commemorate the International Day against Homophobia, Transphobia and Biphobia. Finally, the Rapporteurship also learned of progress in closing the digital divide in the country through initiatives to subsidize Internet access, the provision of devices and the implementation of programs for digital literacy and skills.

A. Journalism and democracy

155. In early 2023, the Special Rapporteurship received the report on media literacy, misinformation and media trust in the Caribbean, published by the *Public Media Alliance (PMA)*, the largest global association of public media organizations; this report would have analyzed the situation in eight countries, including Barbados³³⁴. The report has three recommendations for the country: develop a media literacy, research skills and critical thinking curriculum with the Ministry of Education, technology and vocational training for Barbadian students, from pre-school to tertiary; create a sustained campaign to sensitize the public on the basics of media literacy and design tools to detect misinformation and disinformation; and create professional pathways for media personnel to be trained, accredited, and equipped with tools to enrich their profession³³⁵.

156. With respect to the development of a media literacy, research skills and critical thinking curriculum, the *PMA* would recommend the provision of media literacy training for teachers at the *Erdiston Teachers' Training College*³³⁶. It would also recommend designing a *National Vocational Qualifications (NVQ)* program and a *Caribbean Vocational Qualification (CVQ) program* to train citizen journalists in basic journalism standards³³⁷.

157. Regarding the campaign to raise awareness on the basics of media literacy and tools against misinformation, the *PMA* would recommend conducting media literacy workshops targeting those most vulnerable to misinformation, such as in collaboration with the *Barbados Association for Retired Persons (BARP)*³³⁸. I would also recommend collaborating on the creation of a regional fact-checking site targeted individually at various Caribbean countries; this platform would allow the public to interact with journalists

³³⁴ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

³³⁵ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

³³⁶ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

³³⁷ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

³³⁸ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

and researchers and would host general information on prominent journalists and influencers in an attempt to generate transparency and credibility³³⁹.

158. Finally, with regard to the professional development of journalists and communicators, the PMA would suggest creating a professional association based on agreed standards (similar to lawyers and doctors) that accredits journalists and disciplines for "malpractice"; develop and disseminate a virtual fact-checking resource space for media workers, with the objective of improving collaboration and connection with other regional professionals; encourage media outlets to intensify in-house training for newly hired journalists; train specialized journalists and consolidate an investigative journalism unit within the media; encourage media companies to offer better remuneration packages to attract and retain media workers in the long term; and convince station and newspaper owners to conduct regular media literacy training sessions³⁴⁰.

159. On February 1, 2023, the Rapporteurship registered the launch of the *CBU Caribbean Media Awards (CMA) 2022*³⁴¹. According to information released by the Barbados-based *Caribbean Broadcasting Union (CBU)*, the 2022 version of the award would feature 14 new thematic categories on climate change with the support of the EU-funded *Global Climate Change Alliance Plus* initiative "Enhancing Climate Resilience in CARIFORUM Countries" implemented by the *Caribbean Community Climate Change Centre (CCCCC)*³⁴².

160. On February 13, 2023, the Special Rapporteur learned that the *Caribbean Broadcasting Union (CBU)*, based in Barbados, reportedly commemorated World Radio Day by encouraging its members to participate in activities organized by UNESCO.³⁴³ These activities would have included sharing listeners' perspectives on radio and peace, talk shows discussing books or magazines dealing with stories of reintegration, reconciliation, coexistence, solidarity, as well as music programs with peace songs.³⁴⁴ According to *CBU*, radio would continue to be the most consumed medium in the Caribbean, so it would advocate in 2023 for creating awareness among the public and the media about the importance of radio; encouraging decision makers to establish and provide access to information through radio; and enhancing networking and international cooperation among broadcasters³⁴⁵.

161. In May 2023, the Office of the Special Rapporteur recorded posthumous tributes by the *CBU* to journalist Odette Campbell, general manager of the *Grenada Broadcasting Network (GBN)* and journalist Winston Springer, former general manager of *Radio Saint Lucia*;³⁴⁶ both journalists were reportedly on the board of directors of the *CBU*³⁴⁷.

162. In September 2023, the Office of the Special Rapporteur received a press release from the *CBU* condemning the attack on the premises of the *Nationwide News Network (NNN)* in Jamaica³⁴⁸. In this press release, the *CBU* also reportedly expressed its intention to intensify its advocacy for the safety of journalists in the Caribbean, recognizing the deterioration of the region's rating in recent press freedom reports related to the situations in Haiti, Guyana and Jamaica³⁴⁹.

³³⁹ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

³⁴⁰ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

³⁴¹ Caribbean Broadcasting Union, [Official Launch of the 2022 CBU CMA Awards](#), February 2, 2023.

³⁴² Caribbean Broadcasting Union, [Official Launch of the 2022 CBU CMA Awards](#), February 2, 2023.

³⁴³ Caribbean Broadcasting Union, [Radio and Peace is the theme for World Radio Day 2023](#), January 11, 2023.

³⁴⁴ Caribbean Broadcasting Union, [Radio and Peace is the theme for World Radio Day 2023](#), January 11, 2023.

³⁴⁵ Caribbean Broadcasting Union, [Radio and Peace is the theme for World Radio Day 2023](#), January 11, 2023.

³⁴⁶ Caribbean Broadcasting Union, [CBU Remembers Mrs Odette Campbell, Managing Director of GBN](#), May 3, 2023; Caribbean Broadcasting Union, [Tribute to Winston Springer](#), May 25, 2023.

³⁴⁷ Caribbean Broadcasting Union, [CBU Remembers Mrs Odette Campbell, Managing Director of GBN](#), May 3, 2023; Caribbean Broadcasting Union, [Tribute to Winston Springer](#), May 25, 2023.

³⁴⁸ Caribbean Broadcasting Union, [CBU Remembers Mrs Odette Campbell, Managing Director of GBN](#), May 3, 2023; Caribbean Broadcasting Union, [Tribute to Winston Springer](#), May 25, 2023.

³⁴⁹ Caribbean Broadcasting Union, [CBU Statement - Incident At Jamaican Media House](#), September 11, 2023.

163. In view of the above, this Office recalls that States have the obligation to adopt measures to prevent violence against journalists and media workers. This obligation is particularly important in countries where there is a risk of such acts occurring and in specific situations where the authorities know or should have known that there is a real and immediate risk of such crimes being committed.³⁵⁰ It is also important that the media adopt protection protocols for their journalists, as well as provide them with facilities so that journalists can be trained in both physical and digital protection tools³⁵¹.

164. On April 30, the Rapporteurship was informed of the election of a new board for the Barbados Association of Journalists and Media Workers (BARJAM)³⁵². The election was reportedly held at its annual general meeting, where Ryan Broome (Caribbean Broadcasting Corporation) was reportedly elected as president and Emmanuel Joseph (Barbados Today) as vice president³⁵³. Michron Robinson (Capital Media HD) was also reportedly appointed as the new Secretary General; others elected include Marlon Madden (Barbados Today), Maria Bradshaw (Nation Publishing) and Trevor Thorpe (Caribbean Broadcasting Corporation)³⁵⁴.

165. On the occasion of World Press Freedom Day on May 3, 2023, the Office of the Special Rapporteur learned of a statement by the Barbados Association of Journalists and Media Workers (BARJAM)³⁵⁵. The association reportedly urged restraint of the public that would seek to attack or condemn media professionals, especially those in the lawful execution of their duties³⁵⁶. Additionally, the association would have pointed out that media professionals are subject to criticism, but that this should always be constructive and respectful³⁵⁷. Finally, BARJAM reiterated its call for the approval of a freedom of information law in Barbados.³⁵⁸

166. In February 2023, the Rapporteurship was informed of the publication of a manual for Caribbean journalists on how to report on the climate crisis³⁵⁹. According to available information, the manual was reportedly published jointly by the UNESCO Caribbean Cluster Office and the Barbados-based Association of Caribbean Media Workers (ACM)³⁶⁰. The document would highlight that the media plays a key role in keeping the public informed about climate change and specific areas for individual and collective action.³⁶¹

167. On April 25, 2023, the Special Rapporteurship recorded the successful conclusion of the Media Institute of the Caribbean (MIC) investigative journalism program, in collaboration with the International Center for Journalists (ICFJ) and support from the U.S. Agency for International Development (USAID)³⁶². Participants would have received scholarships to attend virtual and face-to-face programs in Barbados and receive training in data journalism, verification techniques, document tracking and digital security, among others³⁶³. The call

³⁵⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Violence against journalists and media workers: Inter-American standards and national practices on prevention, protection and the pursuit of justice. 2013. OEA/Ser.L/V/II. IACHR/RELE/INF.12/13, para. 33.

³⁵¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión, March 2017, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, para. 320.

³⁵² Barbados Today, [BARJAM elects new executive](#), May 1, 2023; Caribbean Loop News, [BARJAM announces new executive](#), May 2, 2023.

³⁵³ Barbados Today, [BARJAM elects new executive](#), May 1, 2023; Caribbean Loop News, [BARJAM announces new executive](#), May 2, 2023.

³⁵⁴ Barbados Today, [BARJAM elects new executive](#), May 1, 2023; Caribbean Loop News, [BARJAM announces new executive](#), May 2, 2023.

³⁵⁵ Caribbean Broadcasting Corporation, [BARJAM reiterates call for Freedom of Information Act](#), May 3, 2023.

³⁵⁶ Caribbean Broadcasting Corporation, [BARJAM reiterates call for Freedom of Information Act](#), May 3, 2023.

³⁵⁷ Caribbean Broadcasting Corporation, [BARJAM reiterates call for Freedom of Information Act](#), May 3, 2023.

³⁵⁸ Caribbean Broadcasting Corporation, [BARJAM reiterates call for Freedom of Information Act](#), May 3, 2023...

³⁵⁹ Association of Caribbean Media Workers, [Reporting the Climate Crisis - A Handbook for Caribbean Journalists](#), February 18, 2023.

³⁶⁰ Association of Caribbean Media Workers, [Reporting the Climate Crisis - A Handbook for Caribbean Journalists](#), February 18, 2023.

³⁶¹ Association of Caribbean Media Workers, [Reporting the Climate Crisis - A Handbook for Caribbean Journalists](#), February 18, 2023.

³⁶² International Center for Journalists, [Fellowships available for investigative journalists \[Caribbean\]](#), February 27, 2023; Media Institute of the Caribbean, [Investigative Journalism Fellowship 2023](#), February 28, 2023.

³⁶³ International Center for Journalists, [Fellowships available for investigative journalists \[Caribbean\]](#), February 27, 2023; Media Institute of the Caribbean, [Investigative Journalism Fellowship 2023](#), February 28, 2023.

would have been open to nationals from Antigua and Barbuda, Barbados, Dominica, Guyana, Grenada, Saint Lucia, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Suriname and Trinidad and Tobago³⁶⁴.

168. On July 7, 2023, this Office learned that a four-day training for journalists on climate change and health was held³⁶⁵. The training was reportedly facilitated by the *Media Institute of the Caribbean (MIC)* and the Pan American Health Organization (PAHO), with the participation of more than 50 journalists and communicators from 19 countries.³⁶⁶ During the sessions, the journalists and communicators present were urged to understand these issues in depth in order to explain them in simple terms to the public, also highlighting the innovative solutions that are being implemented in the region³⁶⁷. According to public information, at least three journalists would be selected to receive a grant to finance the production of a multimedia story related to climate change and health, to be disseminated by MIC and PAHO³⁶⁸.

169. So far in 2023, the Office of the Special Rapporteur recorded the publication of investigative journalism in Barbados through the *Caribbean Investigative Journalism Network (CIJN)*, the region's leading journalism organization dedicated to holding governments, corporations and other actors accountable. In April, *CIJN* reportedly published research on the impacts of COVID-19 on the mental health of young people, particularly men.³⁶⁹ In July, an analysis was reportedly published denouncing misinformation in Barbados about COVID-19 vaccines, as well as other vaccines, especially for children on the island³⁷⁰. In August, a study was published on arms smuggling in the Caribbean, particularly in Barbados.³⁷¹

170. This Office highlights efforts to strengthen investigative journalism in Barbados to keep society informed and foster public debate and transparency.

B. Freedom of expression, rule of law and democratic institutionalality

171. In late February 2023, the Special Rapporteur was informed of a High Court judge's decision to strike down a regulation prohibiting all public officials and employees from participating in politics, ruling it unconstitutional³⁷². According to the ruling, General Order 3.18.1 was also found to be inconsistent with the rights to freedom of expression and association enshrined in the Barbados Constitution³⁷³. According to public information, General Order 3.18.1 would have provided that public officials and employees would be expressly prohibited from actively participating in politics, including being adopted as parliamentary candidates; canvassing on behalf of any party or candidate; acting as agents or sub-agents of any candidate for election; holding office in party political organizations; and speaking at political meetings³⁷⁴. Multiple individuals,

³⁶⁴ International Center for Journalists, [Fellowships available for investigative journalists \[Caribbean\]](#), February 27, 2023; Media Institute of the Caribbean, [Investigative Journalism Fellowship 2023](#), February 28, 2023.

³⁶⁵ Pan-American Health Organization, [Caribbean Journalists and Communicators Complete Climate Change and Health Training Series](#), July 7, 2023.

³⁶⁶ Pan-American Health Organization, [Caribbean Journalists and Communicators Complete Climate Change and Health Training Series](#), July 7, 2023.

³⁶⁷ Pan-American Health Organization, [Caribbean Journalists and Communicators Complete Climate Change and Health Training Series](#), July 7, 2023.

³⁶⁸ Pan-American Health Organization, [Caribbean Journalists and Communicators Complete Climate Change and Health Training Series](#), July 7, 2023.

³⁶⁹ Caribbean Investigative Journalism Network, [Mental Break](#), April 4, 2023.

³⁷⁰ Caribbean Investigative Journalism Network, ["Not My Child."](#) July 16, 2023.

³⁷¹ Caribbean Investigative Journalism Network, [The Tropical Journey of a Firearm](#), August 2, 2023.

³⁷² Barbados Today, [Court says ban on public officers in politics inconsistent with constitutional rights](#), March 1, 2023; Jamaica Observer, [Ban on public officers participating in active politics ruled unconstitutional](#), March 2, 2023.

³⁷³ Barbados Today, [Court says ban on public officers in politics inconsistent with constitutional rights](#), March 1, 2023; National Weekly, [Ban on public officers participating in active politics in Barbados ruled unconstitutional](#), March 1, 2023.

³⁷⁴ Barbados Today, [Court says ban on public officers in politics inconsistent with constitutional rights](#), March 1, 2023; National Weekly, [Ban on public officers participating in active politics in Barbados ruled unconstitutional](#), March 1, 2023.

including an employee of the elderly empowerment ministry and two public school teachers have already reportedly faced disciplinary action for engaging in politics.³⁷⁵

172. In April 2023, this Office learned that the two public school teachers who were reportedly suspended for participating in last year's general election, Pedro Shepherd and Alwyn Babb, would be free to resume their duties, three weeks after a Superior Court judge ruled that General Order 3.18.1 prohibiting all public officials from actively participating in politics was unconstitutional³⁷⁶. Both teachers were reportedly disciplined with a half-pay leave of absence for six months; at least one reportedly applied for compensation after the General Order was ruled unconstitutional³⁷⁷.

173. This Office recalls that the imposition of economic or political pressures by sectors of economic power and/or the State with the aim of influencing or limiting the expression of individuals and the media is inadmissible³⁷⁸.

174. In February 2023, the Special Rapporteur received reports that the state-owned *Canadian Broadcasting Corporation (CBC)* in Barbados had warned its employees that salaries might not be paid on time in February and future months³⁷⁹. According to a statement from the *CBC's* executive director, the company is reportedly facing cash flow problems³⁸⁰. The possible delay in the payment of fees has reportedly drawn the attention of the *Unity Workers Union (UW)* and the *Barbados Association of Journalists and Media Workers (BARJAM)*; both organizations have reportedly indicated that they are closely monitoring the situation³⁸¹.

175. Since March 2023, this Office has recorded protests over the construction of concrete columns on the Joe River Bridge³⁸². According to available information, residents of St. Joseph have reportedly voiced their dissatisfaction with the Ullswater Investments Limited project as it would block their traditional access to the riverbanks on both sides³⁸³. In March, the High Court granted an injunction from the residents to temporarily halt the construction of the controversial concrete columns; the two parties are reportedly in negotiations as of the closing date of this annual report³⁸⁴.

176. In April 2023, the Rapporteurship learned that the ice cream company BICO is reportedly facing a strike as several of its vendors are protesting management's decision to impose what they describe as steep increases in various rates, including electricity charges to compensate for increases in *Barbados Light & Power Company (BL&P)* and equipment rental, among others³⁸⁵. This would be compounded by claims over unit costs, profit margin and breaches of other labor agreements³⁸⁶.

³⁷⁵ Barbados Today, [Court says ban on public officers in politics inconsistent with constitutional rights](#), March 1, 2023; The Gleaner, [Teachers in Barbados want compensation following suspension for contesting general election](#), April 12, 2023.

³⁷⁶ Caribbean National Weekly, [Teachers in Barbados want compensation following suspension for contesting general election](#), April 12, 2023; Barbados Today, [Teacher cleared of disciplinary charges stemming from 2022 general election candidacy](#), April 12, 2023.

³⁷⁷ Caribbean National Weekly, [Teachers in Barbados want compensation following suspension for contesting general election](#), April 12, 2023; Barbados Today, [Teacher cleared of disciplinary charges stemming from 2022 general election candidacy](#), April 12, 2023.

³⁷⁸ IACHR, Background and Interpretation of the Declaration of Principles, 2000.

³⁷⁹ Caribbean Loop News, [Cash-strapped CBC warns staff wages may be late](#), February 7, 2023; Barbados Today, [Union, media association monitoring pay situation at CBC](#), February 8, 2023.

³⁸⁰ Caribbean Loop News, [Cash-strapped CBC warns staff wages may be late](#), February 7, 2023; Barbados Today, [Union, media association monitoring pay situation at CBC](#), February 8, 2023.

³⁸¹ Caribbean Loop News, [Cash-strapped CBC warns staff wages may be late](#), February 7, 2023; Barbados Today, [Union, media association monitoring pay situation at CBC](#), February 8, 2023.

³⁸² Nation News, [St. Joseph residents stage protest at Joe's River Bridge](#), March 8, 2023; Barbados Today, [AG gives update on Joe's River Bridge controversy](#), April 10, 2023.

³⁸³ Nation News, [St. Joseph residents stage protest at Joe's River Bridge](#), March 8, 2023; Caribbean Broadcasting Corporation, [Sir Roy weighs in on St. Joseph impasse](#), March 12, 2023.

³⁸⁴ Barbados Today, [AG gives update on Joe's River Bridge controversy](#), April 10, 2023; Barbados Today, [Negotiations resume to resolve construction impasse at Joe's River Bridge](#), September 14, 2023.

³⁸⁵ Barbados Today, [Strike plan](#), April 13, 2023; Nation News, [BICO impasse](#), April 16, 2023.

³⁸⁶ Barbados Today, [Strike plan](#), April 13, 2023; Nation News, [BICO impasse](#), April 16, 2023.

177. In June 2023, RELE was informed of marches organized by the group *Watch Out My Children* to highlight alleged concerns raised by parents and various stakeholders about the *Child Rights Protection Bill* and the nutrition policy, among other items³⁸⁷. According to public information, the group would be concerned about the alleged content and structure of the bill in question given that it would reduce the rights of parents³⁸⁸. Other reasons for marching stated by parents would include advocating for the right of parents to withdraw their children from participation in activities that contradict their faith and/or values; raising awareness about the factual and possible traumatic and psychological impact of adopting a Comprehensive Sexuality Education approach to sex education; and continuing to educate about the dangers of child sexual exploitation (*CSE*) and the sexualization of children³⁸⁹.

178. At the end of June 2023, the Rapporteurship received reports that employees of at least three branches of the *KFC* fast food franchise reportedly protested their working conditions³⁹⁰. The general secretary of the *Unity Workers Union (UW)* reportedly denounced the excessive heat and stench to which the employees of this chain were subjected³⁹¹. The general secretary also allegedly invoked the Occupational Safety and Health Act, according to which workers have the right to refuse job offers or withdraw from their workplace because of conditions that could endanger them³⁹². The Barbados government's labor office reportedly imposed a temporary closure on the three branches until the issues raised are rectified by the chain; for its part, *KFC* reportedly assured that no protesters would face any retaliation³⁹³.

179. On July 27, 2023, RELE recorded a protest of about 60 workers at Grantley Adams International Airport³⁹⁴. The workers, represented by the *Unity Workers Union (UW)*, reportedly expressed their dissatisfaction with the handling of the promotion process, health and safety conditions, pending COVID-19 grants, and the proposed public-private partnership being negotiated with an overseas group³⁹⁵.

180. In August 2023, the Special Rapporteur was informed of protests following proposed changes to the *National Insurance Plan (NIS)* pension scheme³⁹⁶. Through a draft bill, the government of Barbados would seek to increase the retirement age to 67.5 years in 2028 and 68 years in 2034, as well as the number of contributions required for pension eligibility, which would now increase from 500 weeks to 750 weeks³⁹⁷. Protesters have reportedly stated that they are prepared to protest permanently until a change is made to the proposed legislation, although each demonstration would depend on police authorization³⁹⁸.

181. The Office of the Special Rapporteur recalls that the rights to freedom of expression, assembly and association, in relation to freedom of association, collective bargaining and strike action, are fundamental rights for workers and their representatives to organize and express specific demands regarding their working

³⁸⁷ National News, [Continue to educate on the dangers of CSE and sexualization of children](#), June 6, 2023; Caribbean Broadcasting Corporation, [Protest match comes off](#), June 10, 2023; Barbados Today, [Group to stage another protest rally](#), June 30, 2023.

³⁸⁸ National News, [Continue to educate on the dangers of CSE and sexualization of children](#), June 6, 2023; Caribbean Broadcasting Corporation, [Protest match comes off](#), June 10, 2023; Barbados Today, [Group to stage another protest rally](#), June 30, 2023.

³⁸⁹ National News, [Continue to educate on the dangers of CSE and sexualization of children](#), June 6, 2023; Caribbean Broadcasting Corporation, [Protest match comes off](#), June 10, 2023; Barbados Today, [Group to stage another protest rally](#), June 30, 2023.

³⁹⁰ Nation News, [Workers at three KFC branches protest job conditions](#), June 30, 2023; Caribbean Loop News, ['Victory' for KFC staff says BWU, no retaliation against protesters](#), July 1, 2023.

³⁹¹ Nation News, [Workers at three KFC branches protest job conditions](#), June 30, 2023; Caribbean Loop News, ['Victory' for KFC staff says BWU, no retaliation against protesters](#), July 1, 2023.

³⁹² Nation News, [Workers at three KFC branches protest job conditions](#), June 30, 2023; Caribbean Loop News, ['Victory' for KFC staff says BWU, no retaliation against protesters](#), July 1, 2023.

³⁹³ Nation News, [Workers at three KFC branches protest job conditions](#), June 30, 2023; Caribbean Loop News, ['Victory' for KFC staff says BWU, no retaliation against protesters](#), July 1, 2023.

³⁹⁴ Barbados Today, [Workers protest at airport](#), July 27, 2023.

³⁹⁵ Barbados Today, [Workers protest at airport](#), July 27, 2023.

³⁹⁶ Barbados Today, [Move in NIS pension age angers protesters](#), August 12, 2023; Nation News, ['Ultimate goal to repeal NIS Act](#), August 20, 2023.

³⁹⁷ Barbados Today, [Move in NIS pension age angers protesters](#), August 12, 2023; The New York CaribNews, [Barbados - Protest Over Increased Retirement Age](#), September 4, 2023.

³⁹⁸ Barbados Today, ['UNITY's' CALL](#), August 3, 2023; Nation News, ['Ultimate goal to repeal NIS Act](#), August 20, 2023; Virgin Island News, [Protests mount in Barbados over retirement age](#), September 6, 2023.

conditions, and to participate in matters of public interest with a collective voice³⁹⁹. Likewise, the Inter-American Human Rights System has established that States have the duty to respect and guarantee these rights, which make it possible to level the unequal relationship that exists between male and female workers, and male and female employers, and access to fair wages and safe working conditions⁴⁰⁰.

182. Likewise, this Office recalls that the right to participate in public demonstrations should be allowed even when there is no legal regulation, and those who wish to demonstrate should not be required to obtain authorization to do so⁴⁰¹.

C. Freedom of expression and the fight against discrimination and exclusion

183. In the framework of the International Day against Homophobia, Transphobia and Biphobia on May 17, 2023, the Office of the Special Rapporteur learned that a meeting was held between members of the diplomatic corps accredited in the country, national authorities and civil society organizations.⁴⁰² Representatives of the international community reportedly applauded the historic decision of the High Court in December 2022 that decriminalized consensual same-sex relations, as reported by this Office in its last annual report⁴⁰³. Similarly, diplomats would have applauded the 2020 amendment to the *Employment Prevention and Discrimination Act* to include sexual orientation in its prohibited grounds of discrimination⁴⁰⁴. Both of these legislative developments would bring Barbados closer to meeting its obligations to prevent all forms of discrimination, as would have been expressed in Barbados' Universal Periodic Review before the United Nations human rights system⁴⁰⁵.

184. On June 19, 2023, the Inter-American Commission on Human Rights (IACHR), of which this Rapporteurship is a part, issued a press release welcoming the ruling in the case of *René Holder-McClean-Ramirez et al v. Attorney General of Barbados*, which determined that sections 9 and 12 of the *Sexual Offences Act of Barbados*, which criminalize consensual private same-sex relations, are unconstitutional⁴⁰⁶. In this landmark case, decided on December 12, 2022 and published on May 25, 2023, the Supreme Court of Barbados ruled that the offense of "Buggery" under section 9 and the offense of "Serious Indecency" under section 12, both of the *Sexual Offences Act*, are unconstitutional, null and void insofar as they apply to consensual sexual relations between adults in private⁴⁰⁷. Prior to this decision, Barbados had, through the "Buggery" provision, the harshest penalty criminalizing consensual same-sex private relations in the Americas and the Caribbean, and persons convicted could be punished with a maximum sentence of up to life imprisonment⁴⁰⁸.

185. In its 2025 report "Violence against LGBTI Persons in the Americas," the IACHR noted that although these types of laws have largely not been enforced, they can have widespread effects on society, criminalizing consensual same-sex relationships legitimizes and reinforces prejudice against lesbian, gay,

³⁹⁹ I/A Court H.R., Advisory Opinion OC-27/21, Rights to freedom of association, collective bargaining and strike, and their relationship with other rights, with a gender perspective, May 5, 2021, Series A No. 27, para. 141.

⁴⁰⁰ I/A Court H.R., Advisory Opinion OC-27/21, Rights to freedom of association, collective bargaining and strike, and their relationship with other rights, with a gender perspective, May 5, 2021, Series A No. 27, para. 141.

⁴⁰¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 94.

⁴⁰² Barbados Today, [Kudos for Barbados' LGBTQ+ stance](#), May 19, 2023; BNN Breaking, [Canada Applauds Barbados' Progress Towards LGBTQ+ Inclusion but Urges Further Action for Rights Protection](#), May 19, 2023.

⁴⁰³ Barbados Today, [Kudos for Barbados' LGBTQ+ stance](#), May 19, 2023; BNN Breaking, [Canada Applauds Barbados' Progress Towards LGBTQ+ Inclusion but Urges Further Action for Rights Protection](#), May 19, 2023.

⁴⁰⁴ Barbados Today, [Kudos for Barbados' LGBTQ+ stance](#), May 19, 2023; BNN Breaking, [Canada Applauds Barbados' Progress Towards LGBTQ+ Inclusion but Urges Further Action for Rights Protection](#), May 19, 2023.

⁴⁰⁵ Barbados Today, [Kudos for Barbados' LGBTQ+ stance](#), May 19, 2023; BNN Breaking, [Canada Applauds Barbados' Progress Towards LGBTQ+ Inclusion but Urges Further Action for Rights Protection](#), May 19, 2023.

⁴⁰⁶ IACHR, [IACHR welcomes decision declaring criminalization of consensual same-sex relations unconstitutional in Barbados](#), Press Release No. 126/23, June 19, 2023.

⁴⁰⁷ IACHR, [IACHR welcomes decision declaring criminalization of consensual same-sex relations unconstitutional in Barbados](#), Press Release No. 126/23, June 19, 2023.

⁴⁰⁸ IACHR, [IACHR welcomes decision declaring criminalization of consensual same-sex relations unconstitutional in Barbados](#), Press Release No. 126/23, June 19, 2023.

bisexual and trans persons, or those perceived as such, while sending a social message to communities and societies that discrimination and violence are condoned or tolerated⁴⁰⁹.

186. This Office echoes the call of the IACHR, which reiterates that the criminalization of consensual adult LGBTI relationships violates the principle of equality and non-discrimination, as well as the right to privacy and human dignity⁴¹⁰. In this regard, the Rapporteurship joins the IACHR in calling on all States in the Americas and the Caribbean to repeal laws that criminalize sexual relations between consenting adults or allow for the prosecution of LGBTI persons in any other form. States must also take positive steps to create a legal framework that protects LGBTI persons from all forms of violence and discrimination⁴¹¹.

187. On July 13, 2023, the Special Rapporteur received the National LGBTI Survey Report for Barbados, prepared by the United Nations Development Programme (UNDP), in collaboration with the Cave Hill Campus of the University of the West Indies (UWI) and *Equals*, a civil society organization, with support from the United States Agency for International Development (USAID)⁴¹². According to the information received, the National LGBTI Survey Report would be the culmination of extensive research conducted by UNDP in partnership with local organizations, activists and community stakeholders, under the auspices of the regional project "UNDP Being LGBTI in the Caribbean."⁴¹³ The results of the survey would show that LGBTI persons in Barbados would suffer stigma and discrimination in several areas, including the workplace and educational institutions.⁴¹⁴ The report would conclude that respondents would often have to monitor public reactions to avoid discrimination and harassment⁴¹⁵. Nearly 17 percent of LGBTI respondents would have been victims of a violent act in the 12 months prior to the survey, and most of these incidents would not have been formally reported⁴¹⁶. Such experiences would have a negative impact on the mental health of LGBTI people: almost 70 percent of all respondents would have experienced suicidal thoughts, and 24.7 percent would have claimed to have attempted to take their own life at some point⁴¹⁷.

188. In light of the above, RELE reiterates that it is particularly important that States adopt actions to guarantee the exercise of the right to freedom of expression of LGBTI people and to empower those affected and made invisible by hate speech⁴¹⁸.

189. On July 20, 2023, as part of events to celebrate the 75th anniversary of the Universal Declaration of Human Rights, this Office recorded an event between representatives of the diplomatic corps, representatives of the United Nations in Barbados and the Eastern Caribbean and 20 women from the pink parliament, a civil society initiative⁴¹⁹. The event would have focused on Sustainable Development Goal number five (SDG 5): "Achieve gender equality and empower all women and girls"⁴²⁰.

190. This Office stresses that States are under the obligation to adopt positive measures aimed at guaranteeing substantive equality for women in the exercise of freedom of expression and the transformation

⁴⁰⁹ IACHR, Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas, OAS/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015, paras. 61-70.

⁴¹⁰ IACHR, Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas, OAS/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015, paras. 4-7.

⁴¹¹ IACHR, Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas, OAS/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015, paras. 4-7.

⁴¹² UNDP Barbados and the Eastern Caribbean, [UNDP Launches National LGBTI Survey Report in Barbados](#), July 14, 2023.

⁴¹³ UNDP Barbados and the Eastern Caribbean, [UNDP Launches National LGBTI Survey Report in Barbados](#), July 14, 2023.

⁴¹⁴ UNDP Barbados and the Eastern Caribbean, [UNDP Launches National LGBTI Survey Report in Barbados](#), July 14, 2023.

⁴¹⁵ UNDP Barbados and the Eastern Caribbean, [UNDP Launches National LGBTI Survey Report in Barbados](#), July 14, 2023.

⁴¹⁶ UNDP Barbados and the Eastern Caribbean, [UNDP Launches National LGBTI Survey Report in Barbados](#), July 14, 2023.

⁴¹⁷ UNDP Barbados and the Eastern Caribbean, [UNDP Launches National LGBTI Survey Report in Barbados](#), July 14, 2023.

⁴¹⁸ IACHR, Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas, OAS/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015, para. 234.

⁴¹⁹ United Nations - Barbados and the Eastern Caribbean, [Canada & the United Nations host Pink Parliamentarians for discussion on multilateralism](#), July 21, 2023.

⁴²⁰ United Nations - Barbados and the Eastern Caribbean, [Canada & the United Nations host Pink Parliamentarians for discussion on multilateralism](#), July 21, 2023.

of institutions, systems, roles and stereotypes that perpetuate their inequality and exclusion from public debate⁴²¹.

D. Freedom of expression and the Internet

191. In early 2023, this Office recorded possible concerns from opposition quarters about the security and resilience of government IT systems in the wake of cyber attacks filed against the *Queen Elizabeth Hospital*, which would have resulted in the disconnection to the network of medical records, pharmacy, laboratory, radiology, procurement and a portion of the bonding department.⁴²²

192. In July 2023, the Special Rapporteur was informed of the decision of the government of Barbados to join the *Jump* initiative to promote digital inclusion.⁴²³ According to available information, this would be a public-private partnership between the Ministry of People Empowerment and Elderly Affairs and *C&W Communications* that would offer affordable internet services through subsidies to the most vulnerable sectors. The goal of the project would be to bridge the digital divide within three to five years through a comprehensive program encompassing access, devices and digital skills development.⁴²⁴ In addition to Barbados, Grenada, Jamaica, St. Lucia and the Bahamas have reportedly joined the initiative.⁴²⁵

193. Likewise, during the announcement of the public-private partnership to guarantee Internet access in Barbados, the Rapporteurship recorded progress made by the *Caribbean Telecommunications Unit (CTU)* to eliminate *roaming* charges in the region altogether.⁴²⁶ In 2022, the St. George Declaration towards the reduction of roaming charges in the Caribbean would have been signed, which would have facilitated the harmonization of tariffs in the region for their eventual elimination.⁴²⁷

194. Additionally, in July 2023, RELE learned that the government of Barbados has agreed to join the establishment of the Digital Alliance between the European Union and Latin America and the Caribbean.⁴²⁸ According to a joint statement, the alliance would provide regular dialogue and cooperation on digital issues for the benefit of citizens in the signatory countries.⁴²⁹ The EU-LAC Digital Alliance would promote cooperation on digital policy dialogue, Internet governance, data governance, infrastructure, connectivity, cybersecurity and cybercrime, data protection, artificial intelligence and other emerging digital technologies, skills development, entrepreneurship and innovation, digital trade, and space-related activities such as Copernicus Earth observation data and Galileo/EGNOS satellite navigation applications and services.⁴³⁰

195. In September 2023, RELE learned that the *Get Safe Online* platform, one of the world's leading online safety resources, has reportedly launched its "Check a Website" service in Caribbean countries, including

⁴²¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Women Journalists and Freedom of Expression, October 2018, OEA/Ser.L/V/II, IACHR/RELE/INF.20/18, para. 69.

⁴²² Nation News, [DLP concerned about the country's IT infrastructure](#), January 9, 2023; Barbados Today, [QEH departments being reconnected to internet after cyber attack](#), January 15, 2023.

⁴²³ Eyewitness News, [C&W Communications launches JUMP Initiative to bridge digital divide in the Caribbean](#), July 13, 2023; Flow, [Jump Barbados: Bridging the Digital Divide](#), undated.

⁴²⁴ Eyewitness News, [C&W Communications launches JUMP Initiative to bridge digital divide in the Caribbean](#), July 13, 2023; Flow, [Jump Barbados: Bridging the Digital Divide](#), undated.

⁴²⁵ Eyewitness News, [C&W Communications launches JUMP Initiative to bridge digital divide in the Caribbean](#), July 13, 2023; Flow, [Jump Barbados: Bridging the Digital Divide](#), undated.

⁴²⁶ Nation News, [Elimination of roaming rates still on cards](#), July 11, 2023; The Gleaner, [CTU calls for 'full and complete elimination' of roaming charges](#), July 10, 2023.

⁴²⁷ Nation News, [Elimination of roaming rates still on cards](#), July 11, 2023; The Gleaner, [CTU calls for 'full and complete elimination' of roaming charges](#), July 10, 2023.

⁴²⁸ European Commission, [EU-Latin America and Caribbean: Joint Declaration on a Digital Alliance](#), July 17, 2023.

⁴²⁹ European Commission, [EU-Latin America and Caribbean: Joint Declaration on a Digital Alliance](#), July 17, 2023.

⁴³⁰ European Commission, [EU-Latin America and Caribbean: Joint Declaration on a Digital Alliance](#), July 17, 2023.

Barbados. This new service would allow individuals and businesses to safely navigate the online world by verifying the legitimacy and security of websites before interacting with them⁴³¹.

196. This Office reiterates that in order to ensure the effective and universal enjoyment of the right to freedom of expression, measures must be adopted to progressively guarantee access to the Internet for all persons. This involves at least three types of measures: positive measures of inclusion, or bridging the digital divide; efforts to develop plans to ensure that infrastructure and services tend to progressively guarantee universal access; as well as measures to prohibit blocking or limiting access to the Internet or part of it, under the conditions mentioned below.⁴³² The Office also recalls that the authorities should encourage educational measures to promote the ability of all persons to make autonomous, independent and responsible use of the Internet and digital technologies ("digital literacy")⁴³³.

⁴³¹ Antigua and Barbuda's Government Information and Services, [Get Safe Online Launches New Service in Antigua & Barbuda](#), September 13, 2023; Caribbean Loop News, [Get Safe Online launches new 'Check a Website' service in Barbados](#), September 15, 2023.

⁴³² IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 37.

⁴³³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 48.

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197. In 2023, the Special Rapporteurship recorded workshops to strengthen local investigative journalism, particularly its coverage of the effects of climate change in the country. Likewise, the Rapporteurship recorded the first awarding of the investigative journalism prize. However, this Office became aware of possible tensions between the media and public officials, including the threat of defamation lawsuits, accusations of sensationalism, and requests for allegedly more balanced coverage of law enforcement. Additionally, RELE became aware of a directive to limit coverage of a legislative project that would seek to redistrict voting and representation in the National Assembly. With respect to the rule of law and democratic institutions, the Special Rapporteur learned of the dissatisfaction of the journalistic guild with the new system for registering companies online, which would limit access to information. Likewise, this Office registered the concern of the non-governmental and non-profit sector regarding the presentation of a bill to regulate NGOs without their prior consultation. So far this year, RELE was aware of the progress of legal proceedings between public figures and the media for requests for retraction, public apologies and compensation for alleged instances of defamation. Similarly, RELE followed up on multiple protests by hospital employees, bus operators, public service retirees, sugar cane farmers, relatives of victims of alleged police brutality, and members and supporters of opposition parties, among others. Regarding the fight against discrimination and exclusion, the Office of the Special Rapporteur took note of possible racist remarks against the Mayan population, but also of progress in the promotion of their cultural practices. Finally, with regard to freedom of expression and the Internet, this Office learned of progress in projects to bridge the digital divide through the creation of several digital connection centers, Internet scholarships, and public-private partnerships and partnerships with the United Nations. However, the Rapporteurship recorded a possible cyber attack against the country's electricity company.

A. Journalism and democracy

198. In January 2023, the Special Rapporteur was informed of a project to strengthen journalism to cover the "blue economy" in Belize, led by the *Earth Journalism Network (EJN)*.⁴³⁴ Through scholarships, workshops, trainings and field trips, *EJN* aims to build a network of local reporters with the capacity to produce and disseminate reliable information on the effects of climate change, tourism development and environmental degradation on marine ecosystems, as well as strategies for sustainable reef management and the development of a healthy blue economy.⁴³⁵

199. On July 27, 2023, *EJN* launched a new collaborative project on the blue economy in Belize, supporting five media outlets: four broadcasters, *PlusTV, Channel 5, Channel 7 and PGTV*, and one newspaper, *Amandala*. The resulting stories were published throughout July and August: *The Importance of Mangroves to Biodiversity and the Blue Economy in Belize; The Blue Economy Promotes the Sustainability of Stone Crab Claw Harvesting in Belize; Stony Coral Disease Decimates Belize's Reef and Threatens Its Blue Economy; Unraveling the Mystery of Stony Coral Tissue Loss Disease in Belize; Where are the Mangroves to Protect the Corozal Coast of Belize? Blue Conundrum: Ports or Protection in Belize; Belize's Environmental Impact Assessments: End in Sight ? - Part I; Belize's Environmental Impact Assessments: End in Sight ? - Part II; The Pesky Lionfish: Still Roaring in Belize's Waters ; Balancing Tourism Booms with Blue Carbon - Part 2; and Balancing Tourism Booms with Blue Carbon - Part 1*.⁴³⁶

200. In June 2023, RELE registered the presentation of the country's first *Belize Prize for Investigative Journalism*. Two journalists from the national television channel *Channel 7* were shortlisted for the award.⁴³⁷ Journalist Cherrisse Halsall was a finalist for her coverage of the Immigration Department and

⁴³⁴ Earth Journalism Network, [Strengthening Blue Economy Journalism in Belize](#), undated; Love FM, [EJN Repos in Belize to Speak with Journalists](#), January 18, 2023.

⁴³⁵ Earth Journalism Network, [Strengthening Blue Economy Journalism in Belize](#), undated; Love FM, [EJN Repos in Belize to Speak with Journalists](#), January 18, 2023.

⁴³⁶ Earth Journalism Network, [EJN Launches Collaborative Reporting Project on the Blue Economy in Belize](#), July 27, 2023.

⁴³⁷ Channel 7 Belize, [7News Wins First Belize Investigative Journalism Prize](#), June 6, 2023; Channel 5 Belize, [Jules Vasquez Wins First Belize Prize for Investigative Journalism](#), June 5, 2023.

reporter Jules Vasquez, the eventual winner, for his four-part series on the disaster at the David L. Mckoy Social Security Building.⁴³⁸ *Channel 5's* Marion Ali was reportedly nominated for her story on smuggling in northern Belize.⁴³⁹ The award jury reportedly included international judges from *NBC*, *The New York Times* and *ZNS* media in the Bahamas, as well as former journalist Janelle Chanona⁴⁴⁰. This Office reiterates its support for the training of local journalists and initiatives that seek to highlight and promote high journalistic standards.

201. In March 2023, this Office became aware of a statement from the press office of the Belize Cabinet regarding comments disseminated by national media and social networks⁴⁴¹. According to the statement, the Minister of Youth, Sports and Transport was reportedly informed of a corruption charge alleging that the official had attempted to use public monies to install 25 air conditioning units in a hotel allegedly owned by him; the allegation was reportedly broadcast on a morning show on *WAVE Radio* and a post on the *Hot Off The Press* Facebook page⁴⁴². The cabinet press office reportedly explained that the ministry purchased only ten air conditioning units to be placed in one of the ministry's offices⁴⁴³. The statement ends by announcing that the minister would intend to "pursue all legal avenues to bring action against the owner/operators of the blog [*Hot of The Press*], as well as *WAVE Radio*, for the clear slander of a government minister and, by extension, the entire Government of Belize, without any basis in fact"⁴⁴⁴.

202. In May 2023, the Rapporteurship received reports alleging that the minister of human development reportedly asked *Channel 7* news director Jules Vasquez to "check himself."⁴⁴⁵ The minister's comment stemmed from what has been dubbed as "sensationalist" coverage of a sexual assault incident involving a doctor in the south of the country.⁴⁴⁶ The minister also allegedly asserted that there were limits to freedom of expression that were exceeded by the media.⁴⁴⁷ Cherisse Halsall, a journalist for that media outlet, explained that a friend of the victim reportedly sent an e-mail to Vásquez requesting that the victim's story be told in detail.⁴⁴⁸

203. In June 2023, RELE recorded the interview between *Love FM* and the Police Commissioner, in which the latter reportedly expressed his wish that the media would find "a balance" and be willing to provide the public with "good and bad" information about the actions of the police in the country⁴⁴⁹.

204. Based on the Inter-American legal framework on the right to freedom of expression, this Office would like to clarify that since the right to freedom of expression empowers the individual and the community to engage in active, robust and challenging debates on all aspects of the functioning of society, this right covers debates that may be critical and even offensive to public officials, candidates for public office or persons linked to the formation of public policy⁴⁵⁰. This does not imply that public officials cannot be judicially protected in terms of their honor when it is subject to unjustified attacks, but they must be protected in a manner consistent

⁴³⁸ Channel 7 Belize, [7News Wins First Belize Investigative Journalism Prize](#), June 6, 2023; Channel 5 Belize, [Jules Vasquez Wins First Belize Prize for Investigative Journalism](#), June 5, 2023.

⁴³⁹ Channel 7 Belize, [7News Wins First Belize Investigative Journalism Prize](#), June 6, 2023; Channel 5 Belize, [Jules Vasquez Wins First Belize Prize for Investigative Journalism](#), June 5, 2023.

⁴⁴⁰ Channel 7 Belize, [7News Wins First Belize Investigative Journalism Prize](#), June 6, 2023; Channel 5 Belize, [Jules Vasquez Wins First Belize Prize for Investigative Journalism](#), June 5, 2023.

⁴⁴¹ Government of Belize - Press Office, [Statement on Comments on Television Show and Social Media](#), March 2, 2023.

⁴⁴² Government of Belize - Press Office, [Statement on Comments on Television Show and Social Media](#), March 2, 2023; Channel 5 Belize, [Ministry of Transport Responds to Allegations Arising over Procurement of ACs](#), March 2, 2023.

⁴⁴³ Government of Belize - Press Office, [Statement on Comments on Television Show and Social Media](#), March 2, 2023; Channel 5 Belize, [Ministry of Transport Responds to Allegations Arising over Procurement of ACs](#), March 2, 2023.

⁴⁴⁴ Government of Belize - Press Office, [Statement on Comments on Television Show and Social Media](#), March 2, 2023; Love FM, [Minister Ferguson Denies Allegations of Corruption](#), March 3, 2023.

⁴⁴⁵ Love FM, [Minister Balderamos Garcia chastises 7 News on sensationalism and irresponsible journalism](#), May 25, 2023.

⁴⁴⁶ Love FM, [Minister Balderamos Garcia chastises 7 News on sensationalism and irresponsible journalism](#), May 25, 2023.

⁴⁴⁷ Love FM, [Minister Balderamos Garcia chastises 7 News on sensationalism and irresponsible journalism](#), May 25, 2023.

⁴⁴⁸ Love FM, [Minister Balderamos Garcia chastises 7 News on sensationalism and irresponsible journalism](#), May 25, 2023.

⁴⁴⁹ Love FM, [Police Commissioner Calls for Responsible Reporting from the Media](#), June 13, 2023.

⁴⁵⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II. IACHR/RELE/INF. 2/09, December 30, 2009, para. 41.

with the principles of democratic pluralism, and through mechanisms that do not have the potential to generate inhibition or self-censorship⁴⁵¹.

205. In July 2023, the Special Rapporteur received reports alleging that a directive had been issued to limit media coverage of redistricting proposals prepared by the *Elections and Boundaries Commission* and soon to be considered by the National Assembly⁴⁵². However, the contents of some of the proposals were reportedly released to the public after a leak, revealing the addition of constituencies in the north and west of the country, as well as the elimination of constituencies in the east.⁴⁵³ Opposition sectors would have argued that no order could prohibit the press from sharing information related to bills before the House of Representatives⁴⁵⁴.

206. According to the Declaration of Principles on Freedom of Expression, prior censorship, interference or direct or indirect pressure on any expression, opinion or information disseminated through any oral, written, artistic, visual or electronic media should be prohibited by law.⁴⁵⁵ This Office therefore reiterates that restrictions on the free flow of ideas and opinions, as well as the arbitrary imposition of information and the creation of obstacles to the free flow of information, violate the right to freedom of expression⁴⁵⁶.

B. Freedom of expression, rule of law and democratic institutions

207. Between late 2022 and early 2023, the Rapporteurship received information indicating media dissatisfaction with the new *Online Business Registry System (OBRS)* in the country.⁴⁵⁷ Several journalists would argue that under the new system, which included a paywall and basic data, access to information on owners, shareholders and directors of companies with operations in Belize, both domestic and multinational, would have been significantly limited.⁴⁵⁸ According to available information, reporters were previously able to visit the *Belize Companies Registry* office to obtain all information on any registered company free of charge.⁴⁵⁹ The government would have explained that the purpose of the new *OBRS* would be to create a system that ensures data security and privacy.⁴⁶⁰

208. In April 2023, the Office of the Special Rapporteur received reports indicating the apparent refusal of the police department and its professional standards subdivision to provide information on the status of a complaint against two officers for improper use of force.⁴⁶¹ According to public information, Shamar Foster, a student and tour guide, was allegedly assaulted by members of the police while attempting to videotape them during an allegedly unjustified search.⁴⁶² The victim's legal representative would argue that despite having requested information on the status and outcome of the disciplinary proceedings in December 2022, she had received no response, adding her concern that the same police would investigate one of its members without

⁴⁵¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II. IACHR/RELE/INF. 2/09, December 30, 2009, para. 41.

⁴⁵² Channel 5 Belize, [Is Elections & Boundaries Commission Attempting to Suppress the Media?](#), July 11, 2023; Amandala Newspaper, [GoB bans media from airing redistricting proposals](#), July 12, 2023.

⁴⁵³ Channel 5 Belize, [Is Elections & Boundaries Commission Attempting to Suppress the Media?](#), July 11, 2023; Amandala Newspaper, [GoB bans media from airing redistricting proposals](#), July 12, 2023.

⁴⁵⁴ Channel 5 Belize, [Is Elections & Boundaries Commission Attempting to Suppress the Media?](#), July 11, 2023; Amandala Newspaper, [GoB bans media from airing redistricting proposals](#), July 12, 2023.

⁴⁵⁵ IACHR, Declaration of Principles on Freedom of Expression, 2000.

⁴⁵⁶ IACHR, Declaration of Principles on Freedom of Expression, 2000.

⁴⁵⁷ Channel 5 Belize, [Media Personnel Questions New Online Business Registry Form](#), December 9, 2022; Amandala Newspaper, [Media protests secrecy of new business registry](#), December 14, 2022.

⁴⁵⁸ Channel 5 Belize, [Media Personnel Questions New Online Business Registry Form](#), December 9, 2022; Amandala Newspaper, [Media protests secrecy of new business registry](#), December 14, 2022.

⁴⁵⁹ Channel 5 Belize, [Media Personnel Questions New Online Business Registry Form](#), December 9, 2022; Amandala Newspaper, [Media protests secrecy of new business registry](#), December 14, 2022.

⁴⁶⁰ Channel 5 Belize, [Media Personnel Questions New Online Business Registry Form](#), December 9, 2022; Amandala Newspaper, [Media protests secrecy of new business registry](#), December 14, 2022.

⁴⁶¹ Channel 5 Belize, [Teenage Tour Guide Harassed By Police Says His Constitutions Rights were Violated](#), April 24, 2023; Amandala Newspaper, [Police policing police](#), April 26, 2023.

⁴⁶² Channel 5 Belize, [Teenage Tour Guide Harassed By Police Says His Constitutions Rights were Violated](#), April 24, 2023; Amandala Newspaper, [Police policing police](#), April 26, 2023.

guarantees of impartiality.⁴⁶³ In addition to damages and losses, Foster's legal defense would seek a declaration that the police action to prevent him from recording the video search was a violation of his fundamental rights, including freedom of expression.⁴⁶⁴ Likewise, the legal defense would have sought a declaration that the Belize Police Department's Professional Standards Branch would not meet the requirements to provide an effective remedy to the plaintiff as this process lacks transparency, independence and impartiality.⁴⁶⁵

209. As established by the IACHR in its Declaration of Principles on Freedom of Expression, access to information held by the State is a fundamental right of individuals. Therefore, States are obliged to guarantee the exercise of this right. This principle only admits exceptional limitations that must be previously established by law in the case of a real and imminent danger that threatens national security in democratic societies.⁴⁶⁶

210. In March 2023, the Office of the Special Rapporteur took note of the presentation of a draft bill aimed at regulating non-governmental organizations in Belize.⁴⁶⁷ According to the drafters, the legislative initiative would seek to combat money laundering and terrorist financing.⁴⁶⁸ However, the country's network of non-governmental and non-profit organizations have reportedly expressed concern that they were never consulted on the bill, which they argue would affect good governance in the country.⁴⁶⁹ Civil society groups have reportedly started to collect comments, questions and recommendations to submit to the government for consideration.⁴⁷⁰

211. This Office recalls that States must ensure the enjoyment of the rights to freedom of expression, assembly and association to all persons and to all types of organizations and associations without the need for authorization. In this regard, it is important to establish by law, clearly and explicitly, the presumption in favor of the lawfulness of these organizations and their peaceful demonstrations and protests, ensuring that the authorities and security forces do not act on the assumption that they constitute a threat to public order.⁴⁷¹

212. In January 2023, the Office learned that the Supreme Court reportedly dismissed the lawsuit of the now Prime Minister, John Briceño, against the current opposition leader, Shyne Barrow, for comments made in 2019.⁴⁷² In his New Year's speech in 2019, Briceño allegedly claimed to have information about members of the then-government United *Democratic Party (UDP)* allegedly involved in drug trafficking.⁴⁷³ Barrow allegedly refuted those comments on Facebook through messages that Briceño alleged were defamatory. Ultimately, a judge determined that Barrow's response to Briceño was proportionate and therefore did not constitute a crime.⁴⁷⁴

⁴⁶³ Channel 5 Belize, [Teenage Tour Guide Harassed By Police Says His Constitutions Rights were Violated](#), April 24, 2023; Amandala Newspaper, [Police policing police](#), April 26, 2023.

⁴⁶⁴ Channel 5 Belize, [Teenage Tour Guide Harassed By Police Says His Constitutions Rights were Violated](#), April 24, 2023; Amandala Newspaper, [Police policing police](#), April 26, 2023.

⁴⁶⁵ Channel 5 Belize, [Teenage Tour Guide Harassed By Police Says His Constitutions Rights were Violated](#), April 24, 2023; Amandala Newspaper, [Police policing police](#), April 26, 2023.

⁴⁶⁶ IACHR, Declaration of Principles on Freedom of Expression, 2000.

⁴⁶⁷ Love FM, [NGO Community takes on GOB over proposed legislation](#), March 15, 2023; Channel 5 Belize, [Belize Network of N.G.O.'s Writes to Prime Minister over N.P.O. Bill 2023](#), March 16, 2023.

⁴⁶⁸ National Assembly of Belize, [NON-PROFIT ORGANISATIONS BILL \(2023\)](#), March 10, 2023.

⁴⁶⁹ Love FM, [NGO Community takes on GOB over proposed legislation](#), March 15, 2023; Channel 5 Belize, [Belize Network of N.G.O.'s Writes to Prime Minister over N.P.O. Bill 2023](#), March 16, 2023.

⁴⁷⁰ Love FM, [NGO Community takes on GOB over proposed legislation](#), March 15, 2023; Channel 5 Belize, [Belize Network of N.G.O.'s Writes to Prime Minister over N.P.O. Bill 2023](#), March 16, 2023.

⁴⁷¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 331.

⁴⁷² Channel 5 Belize, [Supreme Court Dismisses Defamation Case Against Shyne](#), January 5, 2023; Caribbean National Weekly, [Belize Supreme Court dismisses lawsuit against Opposition Leader](#), January 6, 2023.

⁴⁷³ Channel 5 Belize, [Supreme Court Dismisses Defamation Case Against Shyne](#), January 5, 2023; Caribbean National Weekly, [Belize Supreme Court dismisses lawsuit against Opposition Leader](#), January 6, 2023.

⁴⁷⁴ Channel 5 Belize, [Supreme Court Dismisses Defamation Case Against Shyne](#), January 5, 2023; Caribbean National Weekly, [Belize Supreme Court dismisses lawsuit against Opposition Leader](#), January 6, 2023.

213. In June 2023, the Special Rapporteurship learned that the opposition leader reportedly refused to retract, apologize or compensate the Police Commissioner for the press release entitled "Belize under siege: Citizen insecurity! 5 shot 3 dead in 48 hours!".⁴⁷⁵ In said press release, the elected official reportedly accused the officer of issuing gun licenses to persons with a criminal record.⁴⁷⁶ Upon the Commissioner's request for a retraction, the parliamentarian's legal defense would have assured that what was said in the statement would not be defamatory since, among other reasons, the opposition leader would have a "moral and social duty to speak on national security issues" and, as a public official, the Police Commissioner would be subject to "reasonable public scrutiny" and could not "stifle minor criticism."⁴⁷⁷

214. Likewise, in June 2023, this Office registered the demand of businessman Barry Williams to two national media outlets, *Channel 7* and *Channel 5*, to apologize, retract and compensate the plaintiff for broadcasting news stories accusing him of money laundering and immigration irregularities.⁴⁷⁸ Both media outlets reportedly highlighted the possible link between the businessman and the controversial *Portico Definitive Agreement*, an October 2020 contract for the development, construction, operation and management of a cruise ship berthing facility, suspended in mid-2023 for alleged irregularities.⁴⁷⁹

215. This Office reiterates that the State's obligation to protect the rights of others is fulfilled by establishing statutory protection against intentional attacks on honor and reputation through civil actions and by enacting laws guaranteeing the right of rectification or reply.⁴⁸⁰ However, political and public figures should be more exposed - not less exposed - to public scrutiny and criticism. The need for open and wide-ranging debate, which is crucial for a democratic society, must necessarily encompass those involved in the formulation or implementation of public policy. Since these individuals are at the center of public debate and knowingly expose themselves to public scrutiny, they must demonstrate greater tolerance for criticism.⁴⁸¹

216. Likewise, the Rapporteurship recalls that the denunciations of acts of corruption and the debates surrounding the management and handling of public resources are framed within the categories of speech especially protected by the right to freedom of expression in inter-American jurisprudence.⁴⁸² Furthermore, in the area of the fight against corruption and the promotion of integrity, access to information practices should be oriented to promote informed debate and accountability to prevent it.⁴⁸³

217. In February, the Rapporteurship was informed of a protest by employees of the *Karl Heusner Memorial Hospital (KMH)*.⁴⁸⁴ The employees reportedly demonstrated to express their frustration due to the lack of adequate resources at the *KMH*, in particular medical supplies, appropriate equipment and human resources.⁴⁸⁵ In addition, employee members of the hospital's labor union [*Karl Heusner Memorial Hospital*

⁴⁷⁵ Breaking Belize News, [Shyne Barrow will not apologize to Commissioner of Police regarding gun license remarks](#), June 16, 2023; Love FM, [Leader of the Opposition Refuses to Apologize to Police Commissioner](#), June 16, 2023.

⁴⁷⁶ Breaking Belize News, [Shyne Barrow will not apologize to Commissioner of Police regarding gun license remarks](#), June 16, 2023; Love FM, [Leader of the Opposition Refuses to Apologize to Police Commissioner](#), June 16, 2023.

⁴⁷⁷ Breaking Belize News, [Shyne Barrow will not apologize to Commissioner of Police regarding gun license remarks](#), June 16, 2023; Love FM, [Leader of the Opposition Refuses to Apologize to Police Commissioner](#), June 16, 2023.

⁴⁷⁸ Channel 7 Belize, [The Mystery of Barry Williams. Revealed](#), June 6, 2023; Channel 5 Belize, [What is Mike Peyrefitte's Relationship With Barry Williams?](#), June 15, 2023; FM Love, [Barry Williams Demands Retraction and Apology over Allegations of Money Laundering](#), June 14, 2023.

⁴⁷⁹ Breaking Belize News, [Government rejects Portico Definitive Agreement; Invites Royal Caribbean Group for new negotiations](#), July 3, 2023; Channel 5 Belize, [Senate Presents Motion to Investigate Definitive Agreement](#), July 10, 2023.

⁴⁸⁰ IACHR, Annual Report 1994, Ch. V: Report on the compatibility between desacato laws and the ACHR, OEA/Ser. L/V/II.88, doc. 9 rev., February 17, 1995.

⁴⁸¹ IACHR, Report on the compatibility of desacato laws and the ACHR. 1995. Section IV.C.

⁴⁸² IACHR, Corruption and Human Rights: Inter-American Standards, OEA/Ser.L/V/II. Doc. 236, December 6, 2019, para. 193.

⁴⁸³ IACHR, Corruption and Human Rights: Inter-American Standards, OEA/Ser.L/V/II. Doc. 236, December 6, 2019, para. 229.

⁴⁸⁴ Channel 5 Belize, [KMH Employees Show Up to Work Dressed in Shorts and T-shirts](#), February 16, 2023; Amandala Newspaper, [KMH workers protest supply shortages wearing short pants](#), February 18, 2023.

⁴⁸⁵ Channel 5 Belize, [KMH Employees Show Up to Work Dressed in Shorts and T-shirts](#), February 16, 2023; Amandala Newspaper, [KMH workers protest supply shortages wearing short pants](#), February 18, 2023.

Workers Union (KMHWU)] reportedly attended their place of work wearing shorts and their union shirts, in violation of the hospital's dress code.⁴⁸⁶

218. In February, the Rapporteurship also recorded threats of a strike by one of Belize's bus operators.⁴⁸⁷ According to public information, the Belize *Bus Association (BBA)* in Belmopan reportedly made two demands to the Ministry of Transport: that the chairman of the transport board be dismissed and that a representative of the *National Bank of Belize (NBB)* be included on the board.⁴⁸⁸ The *BBA* also reportedly expressed its rejection of the new standards that bus operators would have to meet to renew their licenses and the costs they would have to incur to upgrade their fleets without the ministry's support.⁴⁸⁹ The transport minister reportedly met with the association to discuss their demands, so a strike would not have been called in the end.⁴⁹⁰

219. In March 2023, RELE became aware of a protest by retired public service workers outside the National Assembly.⁴⁹¹ According to the information received, the pensioners, including members of the *Association of Beneficiaries and Retired Public Officers (ABRPO)*, were reportedly protesting increases owed to them for more than twenty years.⁴⁹² Those present reportedly requested that the public service workers' trust fund be dissolved and that the beneficiaries be compensated in cash.⁴⁹³ The demonstration reportedly took place during the debate on the 2023-2024 national budget.⁴⁹⁴

220. Also, in March 2023, the Rapporteurship received information suggesting that a group of motorcyclists had organized a spontaneous protest in front of the Prime Minister's house, allegedly disturbing the peace and threatening the President.⁴⁹⁵ The protesters had gathered to express their outrage over the alleged killing of a teenager, Dyandree Chee, by the police.⁴⁹⁶ The Prime Minister reportedly said on a news program hours earlier that the teenager should have been arrested when requested by the police, although he later clarified that the use of force was not justified and that he respects the right to protest.⁴⁹⁷

⁴⁸⁶ Channel 5 Belize, [KMH Employees Show Up to Work Dressed in Shorts and T-shirts](#), February 16, 2023; Amandala Newspaper, [KMH workers protest supply shortages wearing short pants](#), February 18, 2023.

⁴⁸⁷ Love FM, [Transport Minister Meets with Bus Operators. No Bus Strike](#), February 22, 2023; Amandala Newspaper, [Bus operators put strike on pause](#), February 25, 2023.

⁴⁸⁸ Love FM, [Transport Minister Meets with Bus Operators. No Bus Strike](#), February 22, 2023; Amandala Newspaper, [Bus operators put strike on pause](#), February 25, 2023.

⁴⁸⁹ Love FM, [Transport Minister Meets with Bus Operators. No Bus Strike](#), February 22, 2023; Amandala Newspaper, [Bus operators put strike on pause](#), February 25, 2023.

⁴⁹⁰ Love FM, [Transport Minister Meets with Bus Operators. No Bus Strike](#), February 22, 2023; Amandala Newspaper, [Bus operators put strike on pause](#), February 25, 2023.

⁴⁹¹ Love FM, [Association of Beneficiaries and Retired Public Officers Protests in Belmopan](#), March 22, 2023; Amandala Newspaper, [Retired public officers protest outside of Budget debate](#), March 25, 2023.

⁴⁹² Love FM, [Association of Beneficiaries and Retired Public Officers Protests in Belmopan](#), March 22, 2023; Amandala Newspaper, [Retired public officers protest outside of Budget debate](#), March 25, 2023.

⁴⁹³ Love FM, [Association of Beneficiaries and Retired Public Officers Protests in Belmopan](#), March 22, 2023; Amandala Newspaper, [Retired public officers protest outside of Budget debate](#), March 25, 2023.

⁴⁹⁴ Love FM, [Association of Beneficiaries and Retired Public Officers Protests in Belmopan](#), March 22, 2023; Amandala Newspaper, [Retired public officers protest outside of Budget debate](#), March 25, 2023.

⁴⁹⁵ Channel 7 Belize, [Gang of Cyclists Stage Spontaneous Protest In Front of PM's House](#), March 28, 2023; Channel 7 Belize, [PM Says Residents Have Right To Protest, But He Meant No Harm](#), March 29, 2023; Love FM, [Friends and Family of Dyandre Chee Stage Impromptu Protest in front of PM's House](#), March 29, 2023.

⁴⁹⁶ Belize Live News, [Nineteen-year-old Dyandre Alberto Chee, was fatally wounded to the body by allegedly members of the Police department](#), 26 March 2023; Channel 7 Belize, [Gang of Cyclists Stage Spontaneous Protest In Front of PM's House](#), 28 March 2023; Channel 7 Belize, [PM Says Residents Have Right To Protest, But He Meant No Harm](#), March 29, 2023; Love FM, [Friends and Family of Dyandre Chee Stage Impromptu Protest in front of PM's House](#), March 29, 2023.

⁴⁹⁷ Belize Live News, [Nineteen-year-old Dyandre Alberto Chee, was fatally wounded to the body by allegedly members of the Police department](#), 26 March 2023; Channel 7 Belize, [Gang of Cyclists Stage Spontaneous Protest In Front of PM's House](#), 28 March 2023; Channel 7 Belize, [PM Says Residents Have Right To Protest, But He Meant No Harm](#), March 29, 2023; Love FM, [Friends and Family of Dyandre Chee Stage Impromptu Protest in front of PM's House](#), March 29, 2023.

221. Additionally, in March 2023, the Rapporteurship was informed of protests by the Belize *Sugar Cane Farmers Association (BSCFA) in front of the National Assembly in Belmopan*.⁴⁹⁸ According to available information, more than 260 members of the association reportedly participated in urging the government to establish a commission of inquiry into *Belize Sugar Industries Limited*, a sugar cane mill in the north of the country majority owned by the *American Sugar Refinery Group*.⁴⁹⁹ The *BSCFA* would be demanding a commercial agreement, brokered by the government, that would benefit its more than 3,000 farmer members through an assessment of cost, price and profit factors.⁵⁰⁰ After listening to both sides, the cabinet has reportedly decided not to nationalize the aquaculture industry and will instead try to put them on a collaborative path in the best interest of the industry through a ministerial subcommittee that will meet and chart a way forward for *BSCFA* and *BSI* to resolve their differences.⁵⁰¹

222. In June 2023, the Special Rapporteur recorded a protest in the village of Ladyville after the owner of the bus service, Hernan Serrano, claimed that his service permit had not been renewed because of political interference by the village president [*chairman*] Bernardo Bennet, who reportedly owned *Central Transit*, a competitor; Bennet reportedly refuted that claim.⁵⁰² Village residents reportedly protested the lack of reliable transportation alternatives.⁵⁰³ Other sources of information indicate that the license suspension was due to several infractions identified by the transport board of the ministry of transport.⁵⁰⁴ In July, the Special Rapporteur's office recorded new protests over the non-renewal of Serrano's bus company's license, although this time the demonstrations reportedly took place outside the National Assembly.⁵⁰⁵ The transport ministry reportedly insisted that the company had committed multiple infractions and that the routes it covered would not be eliminated, but replaced with a new provider.⁵⁰⁶

223. On August 13, 2023, RELE took note of a massive mobilization of the opposition *United Democratic Party (UDP)* at its annual convention.⁵⁰⁷ According to available information, the mobilization reportedly attracted supporters from all over the country, with their slogans focusing on the high cost of living and the alleged increase in violence and crime, among other issues.⁵⁰⁸

224. Also, in August 2023, this Office was informed that opposition sectors had organized a protest in San Pedro to coincide with the start of the Belize Investment Summit, expressing their rejection of the current administration and demanding the dismissal of the Minister of Blue Economy and Aviation following allegations of sexual harassment.⁵⁰⁹ The organizers of the demonstration reportedly stated that they would

⁴⁹⁸ Breaking Belize News, [Belize Sugar Cane Farmers' Association announces a protest in Belmopan; repeats call for Commission of Inquiry](#), March 6, 2023; Love FM, [BSCFA Protest in Belmopan Meets Counter-Protest](#), March 7, 2023; Channel 5 Belize, [BSCFA Protests Against ASR/BSI](#), March 7, 2023.

⁴⁹⁹ Breaking Belize News, [Belize Sugar Cane Farmers' Association announces a protest in Belmopan; repeats call for Commission of Inquiry](#), March 6, 2023; Love FM, [BSCFA Protest in Belmopan Meets Counter-Protest](#), March 7, 2023; Channel 5 Belize, [BSCFA Protests Against ASR/BSI](#), March 7, 2023.

⁵⁰⁰ Breaking Belize News, [Belize Sugar Cane Farmers' Association announces a protest in Belmopan; repeats call for Commission of Inquiry](#), March 6, 2023; Love FM, [BSCFA Protest in Belmopan Meets Counter-Protest](#), March 7, 2023; Channel 5 Belize, [BSCFA Protests Against ASR/BSI](#), March 7, 2023.

⁵⁰¹ Government of Belize - Press Office, [Statement on Cabinet's Position on Sugar Industry](#), March 7, 2023.

⁵⁰² Love FM, [Protest in Ladyville Village After Bus Service Owner Claims Political Victimization](#), June 14, 2023; Channel 7 Belize, [Ladyville Residents Protest for Serrano's](#), July 6, 2023.

⁵⁰³ Love FM, [Protest in Ladyville Village After Bus Service Owner Claims Political Victimization](#), June 14, 2023; Channel 7 Belize, [Ladyville Residents Protest for Serrano's](#), July 6, 2023.

⁵⁰⁴ Love FM, [Protest in Ladyville Village After Bus Service Owner Claims Political Victimization](#), June 14, 2023; Channel 7 Belize, [Ladyville Residents Protest for Serrano's](#), July 6, 2023.

⁵⁰⁵ Channel 7 Belize, [Serrano's Devotees Demonstrate](#), July 11, 2023; Love FM, [Protesters Gather to Oppose Non-Renewal of Serrano's Bus Company Permit](#), July 11, 2023.

⁵⁰⁶ Channel 7 Belize, [Serrano's Devotees Demonstrate](#), July 11, 2023; Love FM, [Protesters Gather to Oppose Non-Renewal of Serrano's Bus Company Permit](#), July 11, 2023.

⁵⁰⁷ Channel 5 Belize, [UDP Mobilizes Throngs of Supporters for Endorsement Convention](#), August 14, 2023; Love FM, [Thousands Protest at UDP Convention, Voicing Discontent Across Belize](#), August 15, 2023.

⁵⁰⁸ Channel 5 Belize, [UDP Mobilizes Throngs of Supporters for Endorsement Convention](#), August 14, 2023; Love FM, [Thousands Protest at UDP Convention, Voicing Discontent Across Belize](#), August 15, 2023.

⁵⁰⁹ The San Pedro Sun, [After allegations of misconduct, Minister Andre Perez granted leave of absence from Cabinet](#), August 21, 2023; Amandala Newspaper, [Minister Andre Perez out of Cabinet over sex scandal](#), August 21, 2023; Channel 5 Belize, [UDP Protests in San Pedro: BRS Draws Distance](#), August 31, 2023; Amandala Newspaper, [UDP protest at San Pedro Summit backfires](#), September 6, 2023.

march despite not having a permit from the Police Department; in response, the police reportedly set up a checkpoint.⁵¹⁰ Some members of the opposition reportedly refused to participate in the protest and were therefore expelled from the party and would not be allowed to participate in the next general elections.⁵¹¹ In this regard, the Prime Minister reportedly called the protest "ridiculous" for not having the full backing of the opposition, pointing out to the media that "by covering it, they are serving their [the protest organizers'] interest."⁵¹²

225. The Office of the Special Rapporteur reiterates that the fact that demonstrations and protests involve the right to freedom of expression, both because of the way in which they occur and the content they express, in many cases can translate into specially protected forms of discourse, the robustness of which accompanies the development and strengthening of democratic coexistence.⁵¹³ Likewise, this Office recalls that the authorities should facilitate the exercise of the right to demonstrate and protest as a general rule and should not consider them as a threat to public order or internal security.⁵¹⁴

C. Freedom of expression and the fight against discrimination and exclusion

226. In early 2023, this Office recorded the participation of the Minister of Public Service, Constitutional and Political Reform and Religious Affairs in the inauguration of the eighth *Jalsa Salana*, an annual gathering of the *Ahmadiyy* Muslim community.⁵¹⁵ According to public information, the event would have lasted for two days, serving as a space for prayer, reflection and building of this religious community.⁵¹⁶ The minister reportedly stated that such an event would be important at a time when there is "so much division and conflict in the world," emphasizing the "importance of unity, understanding and peace."⁵¹⁷ Additionally, the official would have stated that events such as this "are not limited to Muslims only, but welcome people of all religions and backgrounds to participate."⁵¹⁸

227. In January 2023, the Rapporteurship took note of reports that the government minister and representative of the area where the town of Punta Gorda is located reportedly shared allegedly offensive comments about the Maya and their claim to land rights at a public event.⁵¹⁹ Indigenous representatives, trade unionists representing indigenous workers or those of indigenous descent, and opposition political parties reportedly condemned the official's remarks as racist, discriminatory and unconstitutional.⁵²⁰

228. In February 2023, RELE received a pronouncement from the government of Belize on the land rights of the Maya people.⁵²¹ In this statement, the authorities reaffirmed their commitment to comply with the terms of the Consent Order of the Caribbean Court of Justice and to implement a Maya Land Policy, a draft of which is at an advanced stage and will be subject to consultation for input and implementation.⁵²² The press office also reportedly rejected comments attributed to the government minister for "political agendas", stating that it publicly condemns the use of any racist language and efforts to instill fear regarding the land rights of

⁵¹⁰ Channel 5 Belize, [UDP Protests in San Pedro: BRS Draws Distance](#), August 31, 2023; Amandala Newspaper, [UDP protest at San Pedro Summit backfires](#), September 6, 2023.

⁵¹¹ The San Pedro Sun, [Jazelle Azueta removed as UDP Standard Bearer for Belize Rural South](#), September 4, 2023; Amandala Newspaper, [UDP protest at San Pedro Summit backfires](#), September 6, 2023.

⁵¹² Channel 5 Belize, [PM Briceno Says UDP Protest in San Pedro is "Ridiculous"](#), August 31, 2023; Amandala Newspaper, [UDP protest at San Pedro Summit backfires](#), September 6, 2023.

⁵¹³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 44.

⁵¹⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 339.

⁵¹⁵ Government of Belize - Press Office, [Minister of Religious Affairs Speaks at the 8th Jalsa Salana](#), January 20, 2023.

⁵¹⁶ Government of Belize - Press Office, [Minister of Religious Affairs Speaks at the 8th Jalsa Salana](#), January 20, 2023.

⁵¹⁷ Government of Belize - Press Office, [Minister of Religious Affairs Speaks at the 8th Jalsa Salana](#), January 20, 2023.

⁵¹⁸ Government of Belize - Press Office, [Minister of Religious Affairs Speaks at the 8th Jalsa Salana](#), January 20, 2023.

⁵¹⁹ Breaking Belize News, [Maya Leaders Decry Racist Statement by Mike Espat](#), February 2, 2023; Love FM, [NTUCB Condemns Offensive Remarks Made by Minister Michael Espat Against Commissioner of Indigenous People's Affairs](#), February 2, 2023.

⁵²⁰ Breaking Belize News, [Maya Leaders Decry Racist Statement by Mike Espat](#), February 2, 2023; Love FM, [NTUCB Condemns Offensive Remarks Made by Minister Michael Espat Against Commissioner of Indigenous People's Affairs](#), February 2, 2023.

⁵²¹ Government of Belize - Press Office, [Pronouncements on Maya Land Rights](#), February 2, 2023.

⁵²² Government of Belize - Press Office, [Pronouncements on Maya Land Rights](#), February 2, 2023.

this population by any person or group, considering that such activity is detrimental to the ongoing process.⁵²³ In addition, the government has reportedly asked the various organizations of Mayan leaders to refrain from making "alarmist pronouncements" that "could harm" the ongoing process.⁵²⁴

229. The Rapporteurship recalls that when high-level officials engage in hate speech, they affect not only the right to non-discrimination of the affected groups, but also the confidence of those groups in State institutions and, consequently, the quality and level of their participation in democracy. States should take appropriate disciplinary measures with respect to hate speech or incitement to violence committed by public officials.⁵²⁵

230. In mid-June 2023, the Rapporteurship learned that the *Ministry of Human Development, Families, and Indigenous Peoples' Affairs* and the *National Institute of Culture and History (NICH)*, under the *Ministry of Education, Culture, Science and Technology*, have reportedly collaborated over the past two months to obtain and purchase a new set of deer and marimba dance costumes from Coban, Alta Verapaz, Guatemala.⁵²⁶ This is in recognition of the need to safeguard, preserve and promote the culture of the Maya people of Belize.⁵²⁷ According to the government, the government investment, which would include 25 costumes, would be valued at over BZ\$50,000 and would be housed at *NICH* for use whenever there is a request from a specific village.⁵²⁸ The traditional deer dance is a pre-Hispanic Mayan dance that shows the resilience of indigenous peoples, as well as the harmonious relationship of the Mayan people with nature and their sacred animals, especially the deer, jaguar and monkey.⁵²⁹ The indigenous peoples in Belize would have organized these dances by year, although generally with costumes and instruments rented in Guatemala.⁵³⁰

D. Freedom of expression and the Internet

231. In March 2023, RELE became aware of a disciplinary action against a police officer who allegedly used Facebook live in June 2022 to vent about an incident with a government minister. Such use of social media allegedly violated the Police Department's social media policy and public service regulations which state that members of law enforcement could not engage in any political activity.⁵³¹ As a result of the disciplinary action taken against her, the officer reportedly sued the Commissioner of Police, the Belize Police Department and the Government of Belize arguing that they violated her constitutional rights, including the right to freedom of expression.⁵³² The police commissioner reportedly argued that the country's constitution has a clause that would allow for the abrogation of the rights of members of the state security services.⁵³³ In June 2023, this Office learned that the High Court would have annulled the lawsuit against the Police Commissioner.⁵³⁴

232. The Office of the Special Rapporteur recalls that substantive restrictions defined in administrative provisions or broad or ambiguous regulations that do not generate certainty about the scope of

⁵²³ Government of Belize - Press Office, [Pronouncements on Maya Land Rights](#) February 2, 2023.

⁵²⁴ Government of Belize - Press Office, [Pronouncements on Maya Land Rights](#) February 2, 2023.

⁵²⁵ IACHR, Violence against LGBTI persons, OAS/Ser.L/V/II.rev.2 Doc. 36, 12 November 2015, para. 261.

⁵²⁶ Government of Belize - Press Office, [Ministries of Indigenous Peoples' Affairs and Culture Unveil Newly Acquired Deer Dance Attire and Marimba](#), June 15, 2023.

⁵²⁷ Government of Belize - Press Office, [Ministries of Indigenous Peoples' Affairs and Culture Unveil Newly Acquired Deer Dance Attire and Marimba](#), June 15, 2023.

⁵²⁸ Government of Belize - Press Office, [Ministries of Indigenous Peoples' Affairs and Culture Unveil Newly Acquired Deer Dance Attire and Marimba](#), June 15, 2023.

⁵²⁹ Government of Belize - Press Office, [Ministries of Indigenous Peoples' Affairs and Culture Unveil Newly Acquired Deer Dance Attire and Marimba](#), June 15, 2023.

⁵³⁰ Government of Belize - Press Office, [Ministries of Indigenous Peoples' Affairs and Culture Unveil Newly Acquired Deer Dance Attire and Marimba](#), June 15, 2023.

⁵³¹ Channel 7 Belize, [ComPol Will Have To Defend Social Media Policy In Court](#), March 14, 2023; Love FM, [ComPol Williams says he is not frazed by OJ](#), March 17, 2023.

⁵³² Channel 7 Belize, [ComPol Will Have To Defend Social Media Policy In Court](#), March 14, 2023; Love FM, [ComPol Williams says he is not frazed by OJ](#), March 17, 2023.

⁵³³ Channel 7 Belize, [ComPol Will Have To Defend Social Media Policy In Court](#), March 14, 2023; Love FM, [ComPol Williams says he is not frazed by OJ](#), March 17, 2023.

⁵³⁴ Love FM, [High Court Strikes Down Case Against Commissioner of Police](#), June 27, 2023.

the protected right and whose interpretation may lead to arbitrary decisions that illegitimately compromise the right to freedom of expression would be incompatible with the American Convention.⁵³⁵

233. On May 30, 2023, this Office was informed of the apparent restriction imposed by the Police Department on online advertising and publications that display or advertise firearms, targeting license holders and gun dealers.⁵³⁶ Through a memorandum, the authorities reportedly warned that failure to comply with this restriction could lead to arrest or revocation of licenses and seizure of all guns in possession of licensed dealers.⁵³⁷ The memo also reportedly warned of the risks of sharing photographs of guns on networks, such as encouraging crime.⁵³⁸

234. This Office recalls that restrictive measures must be transparent and subject to rigorous controls by autonomous and specialized bodies so that they have the technical capacity and sufficient guarantees to safeguard against possible structural threats to the Internet or to the integrity of communications.⁵³⁹

235. On May 11, 2023, RELE was informed of the establishment of a three-year partnership between the government of Belize, in particular the Ministry of Education, Culture, Science and Technology (MoECST) and the Ministry of Public Utilities, Energy, Logistics and E-Governance, and *Giga*, a global initiative of the United Nations Children's Fund (UNICEF) and the International Telecommunication Union (ITU) to connect all schools to the Internet and "all young people to information, opportunity and choice."⁵⁴⁰ The partnership would provide support to map school Internet access; monitor the quality of Internet connectivity in schools through *Project Connect* and the *Daily Check* app; and help identify infrastructure gaps and model efficient solutions to make connectivity affordable and sustainable. The partnership would also facilitate contracting for connectivity and the design of competitive procurement processes for school connectivity, which would make the process transparent and hold providers to a quality connectivity standard that allows the government to pay only for connectivity provided to schools.⁵⁴¹

236. In early June 2023, the Special Rapporteur received an update on progress in connectivity in Belize's schools through the *Connect Ed* program in collaboration with *Digi*. According to government estimates, 66,000 primary and secondary students would have access to the Internet thanks to efforts to deliver 500 megabits per second of wireless Internet distributed to 197 locations throughout the country, serving a total of 252 schools.⁵⁴²

237. In June 2023, the Rapporteurship learned of the opening of at least four *Digital Connect centers* throughout the country, including in cities such as Corozal and San Ignacio and rural areas such as Bella Vista.⁵⁴³ These centers would give citizens free access to computers and the Internet, as well as access to *BELTRAIDE's Virtual Knowledge Center (VKC)* platform, which in turn would provide access to training materials for business growth and innovation, a job portal, and access to other support services and catalogs designed to boost

⁵³⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 58.

⁵³⁶ Love FM, [Belize Police Issue Warning to Gun Dealers and License Holders About Social Media Posts](#), June 2, 2023; The San Pedro Sun, [Police Department issues restrictions on the use of firearms for advertising/posting online](#), June 6, 2023.

⁵³⁷ Love FM, [Belize Police Issue Warning to Gun Dealers and License Holders About Social Media Posts](#), June 2, 2023; The San Pedro Sun, [Police Department issues restrictions on the use of firearms for advertising/posting online](#), June 6, 2023.

⁵³⁸ Love FM, [Belize Police Issue Warning to Gun Dealers and License Holders About Social Media Posts](#), June 2, 2023; The San Pedro Sun, [Police Department issues restrictions on the use of firearms for advertising/posting online](#), June 6, 2023.

⁵³⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 56.

⁵⁴⁰ Giga, [Government of Belize and Giga enter into partnership to transform education through technology](#), May 12, 2023.

⁵⁴¹ Giga, [Government of Belize and Giga enter into partnership to transform education through technology](#), May 12, 2023.

⁵⁴² Breaking Belize News, [Ministry of Education pushing to ensure all schools in Belize have internet access](#), March 22, 2023; Love FM, [Government of Belize Provides Internet Access to 66,000 Students through Connect Ed Program](#), June 6, 2023.

⁵⁴³ Ministry of Public Utilities, Energy, Logistics, and E-Governance, [The official launch of the Teodoso Ochoa Digital Connect Center](#), March 21, 2023; UNDP Belize, [The Government of Belize Opens The Corozal Digital Connect Center](#), March 28, 2023; UNDP Belize, [BELTRAIDE and UNDP Launch Fourth Digital Connect Center in Bella Vista, Toledo](#), June 12, 2023.

business development.⁵⁴⁴ The centers would also provide digital literacy training to improve the skills of youth, women, the unemployed, and the elderly.⁵⁴⁵ According to public information, the center would be the result of efforts between the [*Belize Trade and Investment Development Service (BELTRAIDE)*], the United Nations Development Program (UNDP), and the Ministry of *Public Utilities, Energy, Logistics, and E-Governance* [*Ministry of Public Utilities, Energy, Logistics, and E-Governance*].⁵⁴⁶

238. On September 20, 2023, this Office was informed of the donation of 40 annual internet scholarships to students in communities in central, western and southern Belize by NEXGEN, one of the leading internet and television providers in the country.⁵⁴⁷

239. This Office emphasizes that actions should be taken to promote, progressively, universal access not only to infrastructure, but also to the technology necessary for its use and to the greatest possible amount of information available on the network; to eliminate arbitrary barriers to access to infrastructure, technology and online information; and to adopt positive differentiation measures to allow the effective enjoyment of this right by individuals or communities that require it due to their circumstances of marginalization or discrimination.⁵⁴⁸

240. On July 13, 2023, the Rapporteurship was informed of an alleged cyber-attack against *Belize Electricity Limited (BEL)* through a press conference by the CEO. According to the information released, an alleged foreign ransomware company had infiltrated the IT system and extracted 355 GB in customer and employee data.⁵⁴⁹ At the end of June, the alleged hackers reportedly demanded a ransom in exchange for the data via email ignored by the company's management.⁵⁵⁰ Days later, the CEO reportedly received another email confirming the circulation of the extracted data on the "dark web."⁵⁵¹

241. The authorities must, on the one hand, refrain from arbitrary intrusions into the individual's orbit, personal information and communications and, on the other hand, ensure that other actors refrain from such abusive conduct.⁵⁵²

242. This Office recalls that in order to avoid a broad concept that could lead to the criminalization of Internet use, the concept of cybersecurity is limited to the protection of a series of legal assets, such as infrastructure and information stored or otherwise managed through the Internet, but not to the technological means used to commit an illicit act of any nature.⁵⁵³ Likewise, this Office stresses that the response of States in the area of security in cyberspace must be limited and proportionate, and seek to comply with precise legal purposes that do not compromise the democratic virtues that characterize the network.⁵⁵⁴

243. In August 2023, the Special Rapporteur recorded the circulation of a fake message on WhatsApp about an alleged new variant of COVID-19.⁵⁵⁵ The government press office, on behalf of the *Ministry*

⁵⁴⁴ UNDP Belize, [The Government of Belize Launches Digital Connect Centers Across the Country](#), March 2, 2023.

⁵⁴⁵ UNDP Belize, [The Government of Belize Launches Digital Connect Centers Across the Country](#), March 2, 2023.

⁵⁴⁶ UNDP Belize, [The Government of Belize Launches Digital Connect Centers Across the Country](#), March 2, 2023.

⁵⁴⁷ NEXGEN, [NEXGEN Back-to-School Initiative a Ringing Success!](#), September 20, 2023.

⁵⁴⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 15.

⁵⁴⁹ Channel 5 Belize, [BEL Breaks Silence on Cyber Attack](#), July 18, 2023; Amandala Newspaper, [BEL victim of ransomware cyber attack](#), July 19, 2023.

⁵⁵⁰ Channel 5 Belize, [BEL Breaks Silence on Cyber Attack](#), July 18, 2023; Amandala Newspaper, [BEL victim of ransomware cyber attack](#), July 19, 2023.

⁵⁵¹ Channel 5 Belize, [BEL Breaks Silence on Cyber Attack](#), July 18, 2023; Amandala Newspaper, [BEL victim of ransomware cyber attack](#), July 19, 2023.

⁵⁵² IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 23.

⁵⁵³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 119.

⁵⁵⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 120.

⁵⁵⁵ Government of Belize - Press Office, [MOHW Warns of False Health Advisory WhatsApp Message](#), August 15, 2023.

of Health & Wellness (MOHW) of Belize, reportedly urged the public to ignore the message and not to share it, as well as any information not verified by an official source.⁵⁵⁶ Through a press release, the authorities reportedly explained that the only official source of health information is the ministry, so it would have shared again the official information channels, such as its website, Facebook, Instagram, TikTok and YouTube.⁵⁵⁷ The ministry assured that it had previously communicated with citizens through text messages, although never by WhatsApp.⁵⁵⁸

244. This Office stresses that the authorities should encourage educational measures aimed at promoting the ability of all individuals to make autonomous, independent and responsible use of the Internet and digital technologies ("digital literacy").⁵⁵⁹

⁵⁵⁶ Government of Belize - Press Office, [MOHW Warns of False Health Advisory WhatsApp Message](#), August 15, 2023.

⁵⁵⁷ Government of Belize - Press Office, [MOHW Warns of False Health Advisory WhatsApp Message](#), August 15, 2023.

⁵⁵⁸ Government of Belize - Press Office, [MOHW Warns of False Health Advisory WhatsApp Message](#), August 15, 2023.

⁵⁵⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 48.

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245. Between March 27 and 31, 2023, the IACHR conducted an on-site visit to Bolivia to evaluate the human rights situation on the ground. During the visit, the Office of the Special Rapporteur for Freedom of Expression held meetings for dialogue, listening and receiving information with various State authorities, broad sectors of Bolivian society and victims of human rights violations⁵⁶⁰. In general, the year 2023 was marked by mobilizations in Bolivia, especially in the province of Santa Cruz, which reflect tensions in the social fabric of the country. In this scenario, there have been a high number of reports of violence against journalists, as well as confrontation between police officers and private individuals, in the context of what were considered episodes of violence between mobilizations, and which have raised questions about the proportionality of the use of force. At the same time, other challenges to the informative work persist, such as threats to the confidentiality of sources, the lack of legislation on transparency and even challenges of economic sustainability, which has led to the closure of one of the largest newspapers in the country. At the same time, RELE recorded the legislative activity with proposed laws that could negatively impact the exercise of freedom of expression in the country. Also of concern are the attacks suffered by groups of human rights defenders. Regarding the situation of freedom of expression on the Internet, there are concerns about reports of coordinated inauthentic behavior activities that could be linked to supporters of the government in power. In this context, it is essential that persons exercising public leadership distance themselves from pronouncements that may exacerbate disinformation, discrimination or intolerance, in order to contribute to the reconstruction of the social fabric in the country.

A. Journalism and democracy

246. During the year 2023, the Rapporteurship continued to receive information about violence against journalists, such as episodes of threats, aggressions and stigmatization, which were also reported during the *on-site* visit, since political polarization has caused a fracture in the Bolivian social fabric that urgently needs to be overcome. However, progress was also observed in this area. In relation to the right to freedom of expression, the State emphasized that there is ample normative and constitutional protection.

247. Despite this, RELE condemns that in July, Guider Arancibia, a journalist from *El Deber*, was threatened after reporting on the capture of a cocaine shipment, requiring government protection⁵⁶¹. Other journalists were threatened for their coverage of drug trafficking⁵⁶². Also because of death threats, the director of the DTV television channel, Junior Arias, announced that he would leave the country⁵⁶³ after the death of the controller of the private bank "Fassil", which was being investigated by the journalist⁵⁶⁴. Likewise, a journalist was beaten, threatened with death and robbed during her journalistic work while recording the detention of officials in an office of the municipal government of Sucre⁵⁶⁵.

⁵⁶⁰ IACHR, [Preliminary Observations. On-site Visit to Bolivia](#), March 27-31, 2023.

⁵⁶¹ Asociación Nacional de la Prensa Bolivia, [La ANP denuncia amenazas contra un periodista de El Deber y pide protección](#), July 26, 2023; El Deber, [Periodista amenazado: "Las amenazas del narcotráfico no pasarían si \(las autoridades\) pusieran en su lugar a esas gente."](#) July 29, 2023; Agencia Boliviana de Información, [Gobierno garantizó de inmediato seguridad a periodistas](#), July 28, 2023; Eju, [Creemos solicita a la relatora especial sobre la libertad de opinión y de expresión pronunciarse sobre amenazas en contra del periodista Arancibia](#), August 2, 2023.

⁵⁶² Asociación Nacional de la Prensa Bolivia, [Tercer caso de amenazas a periodistas por cobertura de temas de narcotráfico](#), 05 de agosto de 2023; Infobae, [El narco Sebastián Marset amenazó a periodistas de la TV uruguaya y boliviana desde un celular con chip de las Islas Malvinas](#), 03 de agosto de 2023; El Deber, [La amenaza que reciben periodistas de Bolivia y Uruguay por su cobertura del caso Marset...](#), 03 August 2023; Noticias Fides, [Senator of MAS justifies threat from a Lima Lobo to journalist investigating "narcoavioneta"](#), 27 July 2023.

⁵⁶³ Asociación Nacional de la Prensa Bolivia, [Periodista se siente amenazado y anuncia que abandonará el país](#), May 28, 2023; El Diario, [Periodista se siente amenazado y asegura su salida del país](#), May 29, 2023.

⁵⁶⁴ Los Tiempos, [Muere el interventor de exbanco Fassil y se investigan las causas](#), May 28, 2023; Opinión, [Tras muerte de interventor de Fassil y críticas a Santa Cruz, Camacho defiende el modelo cruceño](#), May 29, 2023.

⁵⁶⁵ El Diario, [Condenan golpiza, robo y amenazas de muerte contra periodista en Sucre](#), 14 August 2023; LatAm Journalism Review, [Bolivia: Reportera sufre golpiza, robo de teléfono y amenazas de muerte durante cobertura periodística](#), 15 August 2023.

248. RELE also noted with concern several reports of attacks against journalists allegedly perpetrated by police officers, such as alleged aggressions with tear gas⁵⁶⁶, intimidation and impediment to make a video recording⁵⁶⁷, police harassment at the gates of the Ministry of Health⁵⁶⁸ and by the departmental commander of the Santa Cruz Police, after being questioned by a journalist about procedures applied in a case of physical violence against a citizen⁵⁶⁹. In addition, a journalist claimed to have been assaulted by a member of the security detail of the president of the Bolivian Senate during a press conference⁵⁷⁰ and another journalist claims to have been physically and verbally assaulted by municipal officials during press coverage⁵⁷¹. In another case, two journalists, including one who was pregnant, were also threatened and assaulted while reporting outside a prosecutor's office⁵⁷². Likewise, a journalist was the victim of an arrest that he described as illegal, attributing its authorship to the head of the Intelligence and Special Operations Group (GIOE) of the Bolivian Police⁵⁷³. Regarding the alleged violations by the public security forces, the State reported that disciplinary proceedings were instituted against members of the police force for alleged aggressions against journalists, in accordance with Law No. 101 of the Disciplinary Regime of the Bolivian Police⁵⁷⁴.

249. RELE observed that journalists also suffered attacks perpetrated by citizens, in cases of physical and verbal aggression during coverage of protests at the APDHB⁵⁷⁵, including threats from a group that took by force the Santagro property in Santa Cruz⁵⁷⁶ and impediments to coverage in political contexts⁵⁷⁷⁵⁷⁸, ambushes of a team while covering the control of fuel marketing⁵⁷⁹⁵⁸⁰, ambush where the journalist was forced to erase the material recorded on cell phones and video camera while covering a land conflict⁵⁸¹, beatings during coverage of a labor protest⁵⁸², digital harassment for reporting a corruption case⁵⁸³⁵⁸⁴, and the fact that a journalist was kicked out of the office of the local passenger transportation service for questioning the safety

⁵⁶⁶ National Press Association Bolivia, [Women journalists were attacked by police with tear gas](#), March 8, 2023; Opinion, [Women journalists were attacked by police with tear gas](#), March 8, 2023.

⁵⁶⁷ Asociación Nacional de la Prensa Bolivia, [Policía amedrenta e impide el trabajo de un periodista](#), March 12, 2023; Los Tiempos, [Un policía censura a periodista de Los Tiempos y lo desafía a pelear](#), March 11, 2023.

⁵⁶⁸ Asociación Nacional de la Prensa Bolivia, [Periodista de Erbol sufre hostigamiento policial durante cobertura informativa](#), June 11, 2023; Erbol, [Policía retira protesta de no videntes y fustiga a periodista que filmaba la situación](#), June 1, 2023.

⁵⁶⁹ Asociación Nacional de la Prensa Bolivia, [Santa Cruz: Reportero fue hostigado por jefe policial](#), August 8, 2023; El Diario, [Reportero fue hostigado por jefe policial de Santa Cruz](#), August 9, 2023.

⁵⁷⁰ National Press Association of Bolivia. [Periodista denuncia que fue agredido por seguridad del Presidente del Senado](#), July 18, 2023; La Patria, [Periodista denuncia que fue agredido por seguridad del Presidente del Senado](#), July 19, 2023.

⁵⁷¹ Asociación Nacional de la Prensa Bolivia, [Aplican censura con violencia al trabajo de un periodista de Tv](#), September 19, 2023; El Diario, [Censuran con violencia trabajo de un periodista](#), September 20, 2023.

⁵⁷² Asociación Nacional de la Prensa Bolivia, [Periodistas denuncian agresión y piden protección a su trabajo](#), March 28, 2023; El Diario, [Periodistas denuncian agresión y demandan protección laboral](#), March 29, 2023.

⁵⁷³ Asociación Nacional de la Prensa Bolivia, [Periodista acusa de secuestro a jefe de inteligencia policial](#), March 3, 2023.

⁵⁷⁴ BIVICA, Law No. 101 of the Bolivian Police Disciplinary Regime, April 4, 2011.

⁵⁷⁵ Asociación Nacional de la Prensa Bolivia, [Periodistas sufren agresiones e intento de robo en puertas de la APDHB](#), July 13, 2023; Correo Del Sur, [Agreden e insultan a periodistas en puertas de la Asamblea de Derechos Humanos](#), July 12, 2023.

⁵⁷⁶ Fm Bolivia, [Avasalladores atacan a equipo de prensa, suman 50 agresiones desde Las Londras](#), 31 March 2023; Página SIETE, [Avasalladores atacan a equipo de prensa, suman 50 agresiones desde Las Londras](#), 31 March 2023.

⁵⁷⁷ Asociación Nacional de la Prensa Bolivia, [Periodista fue agredida cuando registraba golpiza a presidente de la Brigada Parlamentaria de Potosí](#), March 7, 2023; El Potosí, ["Evistas" agredieron a periodista porque estaba filmando la paliza al presidente de la Brigada Parlamentaria Potosina](#), March 6, 2023.

⁵⁷⁸ Asociación Nacional de la Prensa Bolivia, [Impiden labor informativa durante la elección interna de partido gobernante](#), April 2, 2023; El Diario, [Impiden labor informativa durante la elección interna de partido gobernante](#), April 3, 2023.

⁵⁷⁹ Asociación Nacional de la Prensa Bolivia, [Contrabandistas golpean y despojan de equipo a periodistas de BoliviaTV](#), June 11, 2023; El Deber, [La ANH presentará denuncia penal contra personas que agredieron a sus funcionarios y a periodistas de Bolivia Tv](#), June 11, 2023.

⁵⁸⁰ Agencia boliviana de información, [Sindicato de la Prensa de Trinidad exige investigar y sancionar a los agresores de trabajadores de la ANH y Bolivia Tv](#), June 11, 2023.

⁵⁸¹ El Deber, [En San Pedro agreden y roban a periodista de la Red Uno](#), March 30, 2023; Asociación Nacional de la Prensa Bolivia, [Equipo de Tv sufre agresión y robo de equipos en medio de conflicto por tierras](#), March 31, 2023.

⁵⁸² Asociación Nacional de la Prensa Bolivia, [Mineros cooperativistas golpean y despojan de equipos a periodistas](#), June 18, 2023; El Deber, [Dos periodistas fueron agredidos por cooperativistas mineros en Oruro](#), June 17, 2023.

⁵⁸³ PR Noticias, [Bolivia: periodista sufre acoso digital tras desvelar caso de corrupción](#), 22 May 2023; Opinión, [Denuncian acoso digital a periodista Andrés Gómez, quien acusó corrupción de ministro Santos](#), 26 May 2023.

⁵⁸⁴ Página Siete, [ANPB pide al Gobierno investigar acoso digital contra periodista que denunció corrupción](#), 17 May 2023; La Opinión, [La ANPB exige transparencia en procesos judiciales de interés público](#), 19 May 2023.

of the organization's public buses after a car accident that resulted in the death of four people⁵⁸⁵. In addition to this, RELE learned that the hosts of a radio program and social networks (El Búnker), Agustín Zambrana and Amilcar Barral, were assaulted on January 24 in the Plaza Murillo in the city of La Paz, interrupting a live broadcast in front of the Government Palace⁵⁸⁶. In a context of various aggressions and persecutions, the Press Workers Union Federation of Potosí requested the Departmental Command of the Police and the Ombudsman to ensure the necessary guarantees for the work of the press in the capital of Potosí and to watch over the fulfillment and enforcement of fundamental rights⁵⁸⁷.

250. The State reported that the Ministry of Justice and Institutional Transparency, through the Plurinational Victim Assistance Service-SEPDAVI, has the power to grant free legal assistance in the criminal, psychological and social areas to victims in vulnerable situations, as mandated by Law No. 464 of December 19, 2013, and acted in response to requests from the journalistic guilds: Association of Journalists of La Paz, National Association of Journalists of Bolivia, Confederation of Press Workers of Bolivia and Association of Alternative Press Media of Bolivia. Still emphasized by the institution, freedom of the press is a fundamental pillar of a democratic state⁵⁸⁸.

251. RELE recalls that violence against journalists violates the rights to personal integrity, life and freedom of thought and expression. Likewise, the lack of due diligence in the investigation, prosecution and punishment of all those responsible can generate an additional violation of the rights to access to justice and judicial guarantees of the affected persons and their families. According to Principle 9 of the Declaration of Principles on Freedom of Expression of the IACHR, "[t]he murder, kidnapping, intimidation, threats to social communicators, as well as the material destruction of the media, violate the fundamental rights of individuals and severely restrict freedom of expression"⁵⁸⁹. The Ombudsman's Office argues that the state authorities must provide the necessary guarantees for journalists to carry out their work of informing the population in a framework of security and respect for their function⁵⁹⁰.

252. In a context of high social polarization in Bolivia, stigmatizing speeches by public leaders, coupled with impunity, send a message that violence is tolerated, acceptable or justified. Among them, the statement of the Vice President of the Plurinational State of Bolivia, through his Twitter account, accusing the media of misinterpreting his words, after assuring that city dwellers are "very lazy" (lazy) or that "some do not even know how to wash their heads"⁵⁹¹. After what happened, the vice president apologized and said that he was misinterpreted⁵⁹².

253. During the visit, the Commission and the Office of the Special Rapporteur observed stigmatizing speech and/or speech that may encourage violence or discrimination by local political leaders, as well as national leaders, including authorities⁵⁹³. As observed during the visit, stigmatization of the press also contributes to the deterioration of public debate, the credibility of sources, and the protection of human rights.

254. RELE is also concerned about the closure of radio stations. In this regard, producers of six regional radio stations of the Departmental Association of Coca Producers (Adepco) protested for respect for

⁵⁸⁵ National Press Association Bolivia, [Transportista echa a periodista que cuestionó inseguridad de bus público](#), 27 June 2023; Opinión, [Transportista ejecó a periodista que cuestionó inseguridad de bus público](#), 27 June 2023.

⁵⁸⁶ Asociación Nacional de la Prensa Bolivia, [Militantes de partido gobernante atacan a conductores de programa de análisis](#), January 29, 2023; Página Siete, ["A golpes y empujones": ANP denuncia que conductores del programa El Búnker fueron agredidos en Plaza Murillo](#), January 29, 2023.

⁵⁸⁷ Asociación Nacional de la Prensa Bolivia, [Potosí: Periodistas conminan a la Policía a garantizar el trabajo de la prensa](#), April 27, 2023; Opinión, [Potosí: Periodistas conminan a la Policía a garantizar el trabajo de la prensa](#), April 27, 2023.

⁵⁸⁸ Ombudsman's Office, [Callisaya: freedom of the press is a fundamental pillar of a democratic state](#), September 16, 2023.

⁵⁸⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Background and Interpretation of the Declaration of Principles](#).

⁵⁹⁰ Ombudsman's Office, [Callisaya: freedom of the press is a fundamental pillar of a democratic state](#), July 28, 2023.

⁵⁹¹ Asociación Nacional de la Prensa Bolivia, [Vicepresidente acusa a los medios de malinterpretarlo y luego pide disculpas](#), 12 July 2023; Opinión, [Choquehuanca acusa 'malinterpretación' y se disculpa: No debería referirme de esa manera hacia nadie](#), 11 July 2023.

⁵⁹² Los Tiempos, [Choquehuanca apologizes and says he was "misinterpreted" in his remarks on ciudadanos](#), July 11, 2023; Erbol, [Choquehuanca says he was misinterpreted in his remarks on ciudadanos, but apologizes](#), July 11, 2023.

⁵⁹³ IACHR, [Preliminary Observations. On-site Visit to Bolivia](#), March 27-31, 2023.

freedom of expression after the silence of three radio stations that broadcast their messages of social interest⁵⁹⁴, the vice minister ruled out that it was harassment and assured that operations in Yungas are against illegal radio stations⁵⁹⁵. There have also been attacks on radio stations, such as the burning of transmission plants⁵⁹⁶, or radio stations being closed for alleged debt⁵⁹⁷, such as radio Metropolitana, in El Alto, which suffered from encroachments and was attacked with explosives on its staff⁵⁹⁸; secondly, the attack could end up with its silencing⁵⁹⁹. In addition, the theft of transmission and cabin equipment forced one radio station to suspend its daily broadcasts⁶⁰⁰.

255. At the end of June, one of the main newspapers in Bolivia ceased its operations due to economic issues and denounced harassment by the ruling party⁶⁰¹, which could harm democracy and freedom of expression in the country⁶⁰². It should be noted that the scenarios of "economic asphyxiation" of the media were already of concern to this Rapporteurship in the report of 202⁶⁰³. After the news, the Bolivian Government declared that it will defend freedom of expression, denying the alleged denunciation of economic asphyxiation of this media⁶⁰⁴. In response, the ANP demanded the cessation of persecution against journalists and media⁶⁰⁵. According to information from the State, Article 106 of the Political Constitution of the Plurinational State of Bolivia guarantees the right to communication and the right to information, without distinction, to the entire Bolivian population, in addition to the right to freedom of expression, opinion and information, as well as to rectification and reply, as well as to freely broadcast ideas by any means of dissemination, without prior censorship; finally, it guarantees press workers the freedom of expression, the right to communication and information.

256. Nevertheless, RELEA is concerned about cases of withholding of sources, such as the summons of journalist Marcelo Rodríguez Tito by the prosecutor of Controlled Substances in respect of a reported robbery, which was attributed to criminals disguised as police officers⁶⁰⁶; in another case, a journalist was requested by the Prosecutor's Office to reveal the source of information of a complaint published on a Facebook page and which is being processed in court, for slander and defamation against the reporter⁶⁰⁷. Finally, RELEA underlines with concern the request for the arrest, by two lawyers of the governor of Potosí, of the director of a radio station, Germán Vidaurre, for not having appeared as a witness in a defamation trial against an assemblyman, who attributed the interest of prosecuting him with the purpose of limiting his right to report

⁵⁹⁴ National Press Association of Bolivia. August 28, 2023. [Yungas: Tras silencio de tres radios, coccaleros demand freedom of expression](#); and Los Tiempos. August 28, 2023. Yungas: [Tras silencio](#) de tres radios, coccaleros demand freedom of expression.

⁵⁹⁵ Bolivian Information Agency. August 29, 2023. [Vice minister Alcón rules out harassment and assures that operations in Yungas are against illegal radio stations.](#)

⁵⁹⁶ Asociación Nacional de la Prensa Bolivia, [Yungas: Radio municipal silencia emisiones tras incendio de plantas de transmisión](#), February 13, 2023; Página Siete, [Radio municipal de Chulumani silencia emisiones tras incendio en las plantas de transmisión](#), February 14, 2023.

⁵⁹⁷ Asociación Nacional de la Prensa Bolivia, [Encapuchados cierran estudio de Radio FMBolivia en La Paz](#), 16 August 2023; Los Tiempos, [Encapuchados cierran estudio de Radio FMBolivia en La Paz](#), 16 August 2023.

⁵⁹⁸ El Deber, [Avasallan predios de la radio Metropolitana en El Alto y atacan con explosivos a su personal](#), September 12, 2023; Fm Bolivia, [Radio Metropolitana denuncia vandalismo y ocupación ilegal de sus instalaciones](#), September 12, 2023.

⁵⁹⁹ Asociación Nacional de la Prensa Bolivia, [Radio denuncia ocupación de planta de transmisión e intento de acallarla](#), September 12, 2023.

⁶⁰⁰ Agencia boliviana de información, [Roban equipos de Radio Jallalla Coca de Yungas y suspende emisiones](#), July 24, 2023.

⁶⁰¹ ABC, [Página Siete, one of Bolivia's leading newspapers, ceases operations after 13 years](#), June 29, 2023; El País, [A propósito del cierre del periódico boliviano 'Página siete'](#), July 4, 2023.

⁶⁰² Los Tiempos, [Líderes políticos lamentan cierre de Página Siete y alertan un golpe a la democracia](#), June 29, 2023; Bolivia Verifica, [El cierre de Página Siete deja un vacío en el periodismo independiente y es una mala noticia para la democracia](#), June 30, 2023; Los Tiempos, [Chamorro: Con el cierre de Página Siete pierde la población y la libertad de prensa](#), July 6, 2023.

⁶⁰³ IACHR, Annual Report 2022, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II. Doc. 50, March 6, 2023, para. 175.

⁶⁰⁴ Infobae, [Bolivian government says it will defend freedom of expression, after newspaper closure](#), July 5, 2023; Swissinfo, [Bolivian government says it will defend freedom of expression, after newspaper closure](#), July 6, 2023.

⁶⁰⁵ La Patria, [Crisis del periodismo: ANP llama a defender libertad de prensa ante políticas asfixiantes](#), July 7, 2023; Los Tiempos, [ANP demanda un trabajo conjunto para lograr el cese de la persecución contra los periodistas](#), July 4, 2023.

⁶⁰⁶ Asociación Nacional de la Prensa Bolivia, [Rechazan la acción de fiscal que llamó como testigo a un periodista](#), May 5, 2023; El Deber, [Fiscalía pide al comunicador de Radio Omega que presenta documentación que respaldaba si trabaja como periodista](#), May 3, 2023.

⁶⁰⁷ Asociación Nacional de la Prensa Bolivia, [Una periodista solitaria defiende el secreto de imprenta en Puerto Quijarro](#), September 7, 2023; El Deber, [Una periodista solitaria defiende el secreto de imprenta en Puerto Quijarro](#), September 7, 2023.

on the ambulance case and the supervision of other acts of the Governor⁶⁰⁸. In this case, the journalist excused himself from testifying arguing that he could not act as a witness because he violated the confidentiality of the source, which is protected by the Press Law⁶⁰⁹.

257. Still, according to information from the State, the confidentiality of sources is protected by Article 8 of the Printing Press Law, and the National Government essentially respects the principle of confidentiality of sources for journalists, considering that the media, journalists and press workers have the ethical duty to protect the identity of the confidential sources of their information, an aspect provided for in the Bolivian National Code of Journalistic Ethics.

258. However, the State informed that in case of complaints or lawsuits from the National Government for press coverage, it has been determined not to resort in any case to proceedings through the ordinary channels, nor to the Print Courts, but only through the Ethics Courts, administered by the same journalistic guilds. RELE observes that the prosecution of journalists who report on matters of public interest, even through criminal lawsuits, can produce "a chilling effect on society regarding the use of freedom of expression to express an opinion or criticize the actions of public officials"⁶¹⁰. In addition, all social communicators have the right to the confidentiality of their sources of information, notes and personal and professional files⁶¹¹.

259. This Rapporteurship also learned of progress, such as the cooperation agreement with Argentina to clarify human rights violations during the Condor Plan⁶¹². The government also promised support for journalists who were attacked⁶¹³ and respect for the Printing Press Law and freedom of the press⁶¹⁴. On World Press Freedom Day, the Association of Alternative Media of Bolivia (AMAB) affirmed that freedom of the press was recovered in Bolivia after 11 months of the de facto government of Jeanine Áñez and ratified its struggle so that there would be no more aggressions against journalists, underlining its commitment to avoid aggressions⁶¹⁵. After several months, journalists in the city of Potosí, who were prevented from entering the offices of the Governor's Office and the Mayor's Office, succeeded in getting the governor of the department of Potosí to commit to lifting the restrictions on the work of journalists in the building of the regional entity⁶¹⁶.

260. The RELE reinforces that the State must comply with its obligations, such as the obligation to prevent, protect, investigate, prosecute and punish those responsible for crimes against journalists. These obligations complement each other: for there to be a free, robust and unrestricted democratic debate, it is necessary to combat violence against journalists through a comprehensive policy of prevention, protection and prosecution⁶¹⁷.

B. Freedom of expression, rule of law and democratic institutions

⁶⁰⁸ Asociación Nacional de la Prensa Bolivia, [Piden detención del Director de Radio Fides Potosí](#), May 08, 2023; El Potosí, [Gobernación afirma que no pidió la detención del director de Radio Fides Potosí](#), May 8, 2023.

⁶⁰⁹ Erbol, [Asociaciones de periodistas denuncian judicialización y restricción a la prensa en Potosí](#), May 9, 2023.

⁶¹⁰ I/A Court H.R., Case of Baraona Bray v. Chile, Preliminary Objections, Merits, Reparations and Costs, Judgment of November 24, 2022, Series C No. 481, para. 131.

⁶¹¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Background and Interpretation of the Declaration of Principles](#).

⁶¹² Agencia boliviana de información, [Bolivia y Argentina acuerdan cooperación para esclarecer violación de DDHH durante el Plan Condor](#), July 5, 2023.

⁶¹³ Deutsche Welle (DW), [Gobierno de Bolivia promete apoyo a periodistas agredidos](#), 12 January 2023; Agencia boliviana de información, [Periodistas estatales piden respeto a su derecho a informar y justicia para trabajadores agredidos en conflictos en Santa Cruz](#), 16 January 2023.

⁶¹⁴ Agencia boliviana de información, [Gobierno garantiza el respeto a la Ley de Imprenta](#), May 10, 2023.

⁶¹⁵ Bolivian news agency, [AMAB affirms that freedom of the press has been recovered in Bolivia and ratifies the fight to prevent aggressions](#), April 3, 2023.

⁶¹⁶ Asociación Nacional de la Prensa Bolivia, [Potosí: Gobernador promete suspend restricciones on journalists' work](#), 4 May 2023; El Potosí, [Gobernador se compromete a levantar restricciones al trabajo de la prensa](#), 3 May 2023.

⁶¹⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Zonas silenciadas; regiones de alta peligrosidad para ejercer la libertad de expresión, OEA/Ser.L/V/II CIDH/RELE/INF.16/17 March 15, 2017, March 15, 2017, para. 150.

261. As in previous years, the Rapporteurship learned of violent confrontations in the context of protests and social demands that demonstrate the need for reconstruction of the social fabric in Bolivia. The Center for Information and Documentation (CEDIB) of Bolivia presented the Report on Human Rights in Bolivia, which analyzed the second half of 2022, identifying human rights violations, especially of indigenous peoples, the environment and human rights defenders. In addition, the report points to social conflicts, political persecution, excessive use of force, the presence of para-police groups and an alarming increase in the breakdown of the social fabric⁶¹⁸.

262. While other situations of protests have also generated episodes of confrontations in different regions of the country⁶¹⁹, as in other years, RELE observed with concern the context that followed the imprisonment of the governor of Santa Cruz, Luis Fernando Camacho, in the context of an investigation in the case known as "Coup d'Etat 1"⁶²⁰. After his imprisonment, several protests took place⁶²¹ with denunciations of alleged human rights violations⁶²², which were condemned by the State⁶²³. During the mobilizations for the governor's release⁶²⁴, confrontations between civilians and police officers were reported⁶²⁵, while several buildings were set on fire by private individuals⁶²⁶, with special mention for the attacks against the building of the Santa Cruz prosecutor's office⁶²⁷. The confrontations resulted in injuries and allegations of possible cases of excessive use of police force⁶²⁸; in addition to attacks on journalists⁶²⁹, a public official was also reportedly kidnapped and tortured by private individuals⁶³⁰. After a threat to decree amnesties for alleged political prisoners, including Camacho, the current government says that it will not approve any amnesty for people who committed crimes and added that they will be brought to justice so that impunity does not prevail⁶³¹.

263. The IACHR and its RELE rejected reports of excessive use of force by security forces, as well as violent acts committed by organized groups against human rights defenders and members of the media⁶³². This Rapporteurship also emphasizes that the State must guarantee, protect and facilitate public demonstrations. To date, the IACHR and its RELE have recalled that "everything must adopt measures to protect persons exercising their legitimate right to protest, as well as to safeguard the security of persons who do not participate in such protests. To this end, inter-American standards require acting on the lawfulness of

⁶¹⁸ CEDIB reports, [Human Rights Report July-September 2022](#) and [Human Rights Report October-December 2022](#).

⁶¹⁹ Milenio, [En Bolivia, policías arremeten contra maestros públicos tras protestas](#), March 22, 2023; El Deber, [Policías y maestros protagonizan otra jornada violenta en La Paz](#), March 8, 2023.

⁶²⁰ Deutsche Welle (DW), [Bolivia records protests after Camacho arrest](#), 29 December 2023; BBC, [Luis Fernando Camacho: tension in Bolivia after Santa Cruz governor arrested for "alleged involvement in coup" in 2019](#), 29 December 2023.

⁶²¹ La Razón, [A week after Camacho's arrest, there is no truce and violence grows in Santa Cruz](#), 4 January 2023; Opinión, [Santa Cruz recibe 2023 con resaca de violencia tras detención de Camacho](#), 1 January 2023.

⁶²² La Razón, [A week after Camacho's arrest, there is no truce and violence grows in Santa Cruz](#), January 4, 2023; Opinión, [Santa Cruz recibe 2023 con resaca de violencia tras detención de Camacho](#), 01 January 2023.

⁶²³ La Razón, [El Gobierno condena agresión a periodistas durante los conflictos tras la aprehensión de Camacho](#), January 11, 2023; Jornada, [El Gobierno promete apoyo a periodistas atacados durante protestas](#), January 12, 2023.

⁶²⁴ Deutsche Welle (DW), [Santa Cruz maintains pressure for governor's freedom](#), 4 January 2023; Swissinfo, [Bolivia's largest region maintains pressure for governor's freedom](#), 4 January 2023.

⁶²⁵ IACHR, [Protests in Bolivia: IACHR and RELE monitor the situation in Santa Cruz de la Sierra, Bolivia](#), Press Release No. 005/23, January 17, 2023.

⁶²⁶ Infobae, [Crisis en Bolivia en vivo: violentas protestas se registraron durante la madrugada en Santa Cruz en rechazo a la detención de Fernando Camacho](#), 28 December 2023; Telesur tv, [Grupos golpistas bolivianos incendian edificios públicos en Santa Cruz](#), 2 January 2023.

⁶²⁷ Public Prosecutor's Office of Bolivia, [LOSSES FROM THE BURNING OF THE SANTA CRUZ DEPARTMENTAL PROSECUTOR'S OFFICE AMOUNTED TO MORE THAN BS. 37 MILLION](#), January 5, 2023.

⁶²⁸ Deutsche Welle (DW), [Paro en Bolivia cierra con clashes entre policías y civiles](#), December 31, 2022; El Comercio, [Tensión en Bolivia: Paro en Santa Cruz termina con fuertes clashes entre manifestantes y la policía](#), December 31, 2022.

⁶²⁹ Ombudsman's Office, [Defensoría del Pueblo, Defensor del pueblo emitió cinco exhortaciones para que se garantice el ejercicio de derechos humanos y presenta casos de santa cruz y la paz](#), January 10, 2023; Defensoría del Pueblo, [Defensoría del pueblo condena ataque a trabajadores de la prensa](#), December 31, 2022.

⁶³⁰ Agencia boliviana de información, [Detienen a segundo vinculado con secuestro y tortura a funcionario de Impuestos en jornadas de violencia en Santa Cruz](#), August 25, 2023; Opinión, [Aprehenden a presunto torturador de funcionario de Impuestos: la agresión se dio en 2022](#), August 25, 2023.

⁶³¹ Telesur tv, [Ministra de Bolivia descarta amnistía para delincuentes](#), 24 February 2023; Agencia boliviana de información, [Ministra Prada: El presidente Luis Arce no aprobará ninguna amnistía porque no hay presos políticos en Bolivia](#), 23 February 2023.

⁶³² IACHR, [Protests in Bolivia: IACHR and RELE monitor the situation in Santa Cruz de la Sierra, Bolivia](#), Press Release No. 005/23, January 17, 2023.

these as a manifestation of the rights of association, freedom of expression and peaceful assembly." When some individuals commit acts of violence in the context of a protest, they must be singled out, but other demonstrators retain their right to peaceful assembly. Consequently, no assembly should be considered unprotected⁶³³.

264. At the same time, the Rapporteurship takes note of the takeover of the Permanent Assembly of Human Rights of Bolivia (APDHB) by an alleged group of militants of the governing party, who occupied the headquarters of the historic human rights organization⁶³⁴, both in times of dictatorship and in democracy and with more than half a century of work in the defense of political prisoners and citizens affected in their constitutional freedoms⁶³⁵, and declared themselves owners of the institution⁶³⁶. In fact, a group of journalists who reported on the takeover of the APDHB offices were threatened and harassed by violent groups⁶³⁷. After invaders evicted the headquarters, Amparo Carvajal, an 84 year old human rights defender, remained in vigil for 52 days⁶³⁸, in precarious and unsanitary conditions⁶³⁹.

265. After once again noting the lack of progress towards the adoption of a Law on Access to Information in Bolivia that would link all branches of government at all levels of organization, RELE noted with concern the reported restriction of access to information in Bolivia on four issues: dollar reserves, gas reserves, the sixth addendum to the gas agreement with Argentina and the lithium agreement with China⁶⁴⁰. In this context, RELE also underlines that the right of access to information was allegedly limited when a journalist was prevented from covering a hearing in the Agro-environmental Court of the Bolivian city of Santa Cruz de la Sierra that dealt with illegal occupation of land in a freshwater reservoir that impacts millions of inhabitants⁶⁴¹.

266. RELE also observed acts of political violence, such as the aggressions suffered by an assemblywoman who tried to enter the departmental Legislative Assembly, to participate in the act of possession of the new assembly members of the Guarayo people⁶⁴², according to the Ombudsman's Office and the Association of Councilwomen and Mayors of Bolivia (ACOBOL), that the rate of cases of harassment and political violence in Bolivia registered an increase of eight percent, between 2022 and 2023⁶⁴³. Despite this, the justice system issued a conviction in a case of harassment and political violence, the fourth sentence since the enactment of Law 243 and the second during the 2023 administration, the councilwoman stressed the importance of reporting cases of violence against women⁶⁴⁴.

⁶³³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II IACHR/RELE/INF.22/19, September 2019, para. 83.

⁶³⁴ Ombudsman's Office, [La defensoría del pueblo verifica estado de situación del conflicto de la APDHB](#), June 8, 2023.

⁶³⁵ Página Siete, [Ven acto "dictatorial y asalto" a la Apdhb con protección policial y silencio de la Defensoría del Pueblo](#), June 2, 2023; El Potosí, [Masistas tomaron por la fuerza las oficinas de la Asamblea Permanente de Derechos Humanos de Bolivia](#), June 2, 2023.

⁶³⁶ ANP, [La ANP rechazó toma de oficina de defensa Derechos Humanos](#), June 3, 2023; El País, [Afines al MAS toman la Asamblea Permanente de DDHH y desalojan a todos los ocupantes](#), June 2, 2023.

⁶³⁷ El Diario, [Periodistas amenazados y hostigados durante la toma de oficina de DDHH](#), June 8, 2023; Asociación Nacional de la Prensa Bolivia, [Periodistas amenazados y hostigados durante la toma de oficina de DDHH](#), June 7, 2023.

⁶³⁸ Amnesty International, [Bolivia: More information: Human rights defender ends 52-day vigil after invaders evict NGO office: Amparo Carvajal](#), August 1, 2023; El País, [An 84-year-old activist climbs to the roof of Bolivia's Casa de los Derechos Humanos to take it back](#), July 14, 2023.

⁶³⁹ Defensoría del Pueblo, [Defensor del pueblo activó más de 40 acciones defensoriales en protección de los derechos de miembros enfrentados de la APDHB](#), July 19, 2023; La Razón, [Defensoría saluda la suspensión de vigila de Amparo Carvajal en instalaciones de la APDHB](#), July 23, 2023.

⁶⁴⁰ Account of Xde Marco Zelaya (@MarZel65). [05 April 2023](#); Account of Xde Marco Zelaya (@MarZel65). [05 April 2023](#); and Agencia de Noticias Fides. [05 April 2023. YPFB has been leaving the country without hydrocarbon reserves certification data for 6 years.](#)

⁶⁴¹ Asociación Nacional de la Prensa Bolivia, [Censuran el registro de imágenes en una audiencia judicial de interés para ciudadanos de Santa Cruz](#), July 29, 2023.

⁶⁴² El Deber, [Activistas agreden a la asambleísta Muriel Cruz en pleno ingreso a la Gobernación](#), June 9, 2023; Agencia boliviana de información, [Policía identifica a más agresores de la asambleísta Muriel Cruz](#), June 12, 2023.

⁶⁴³ Ombudsman's Office, Defensoría del Pueblo [and ACOBOL warn that cases of harassment and political violence increased by eight percent between 2022 and 2023](#), June 30, 2023.

⁶⁴⁴ Ombudsman's Office, [Justice issues conviction in case of harassment and political violence suffered by councilwoman of Riberalta](#), August 31, 2023.

267. Given the recurrence of cases of gender violence, harassment and political violence and peer violence in the educational environment, the Ombudsman's Office prepared proposals for the modification of the 'Guide for the Declaration of Alert against Gender Violence', the regulation of the Law on Harassment and Political Violence; and the creation of the 'Student Ombudsman'⁶⁴⁵. It is emphasized that violence for political reasons not only implies the violation of several human rights, but also attempts against the principles that underlie the rule of law and directly violates the democratic regime. In addition, it has intimidating and intimidating effects on the people who participate in the electoral processes and on society as a whole.

C. Freedom of expression and the fight against discrimination and exclusion

268. Although the *on-site* visit has reflected unprecedented progress in terms of social inclusion and participation, based on the constitutional recognition of a plurinational, multicultural State and the adoption of a productive economic, social and community model, some situations of risk to freedom of expression were observed⁶⁴⁶.

269. The Rapporteurship observed the processing of Bill No. 305/22⁶⁴⁷, altering the current Law No. 045⁶⁴⁸, of October 8, 2010, against Racism and All Forms of Discrimination, which would aim to establish mechanisms and procedures for the prevention and punishment of acts of racism and all forms of discrimination within the framework of the CPE and International Human Rights Treaties. Although the provisions of the Supreme Decree represent important advances to delimit the generic content of Article 16 of Law 045 and, thus, essential legal safeguards to satisfy at the same time the right to equality and non-discrimination, and the right to freedom of expression, the Rapporteurship has historically expressed that it considers relevant to elevate these provisions of the Decree to the rank of law, so as to ensure its stability and hierarchy⁶⁴⁹.

270. In this context, the Rapporteurship notes that the Bill would propose to comply with international commitments in the area of international law; however, Article 281 of the bill was criticized for allegedly infringing on freedom of expression and violating fundamental rights principles⁶⁵⁰. Known as the "gag article", the journalistic unions understood that it could penalize journalists in the criminal offense of incitement to racism or discrimination⁶⁵¹, by proposing the incorporation into the Bolivian Penal Code (CPB) of seven new offenses⁶⁵². Regarding the "dissemination and incitement to racism or discrimination", the document states that "when the act is committed by an employee or owner of a media outlet, no immunity or privilege can be claimed"⁶⁵³.

⁶⁴⁵ Ombudsman's Office, Defensoría del Pueblo, [Defensoría del Pueblo plantea ajustes a guía de declaratoria de alerta contra la violencia de género: reglamento de la ley de acoso y violencia política y creación del defensor estudiantil](#), July 5, 2023.

⁶⁴⁶ IACHR, [Preliminary Observations. On-site Visit to Bolivia](#), March 27-31, 2023.

⁶⁴⁷ House of Representatives, [PL 305/22](#), March 8, 2023.

⁶⁴⁸ Official Gazette of Bolivia, [Law No. 045](#), October 8, 2010.

⁶⁴⁹ IACHR, Annual Report 2011, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II. Doc. 69, December 30, 2011, para. 47.

⁶⁵⁰ Infobae, [Periodistas bolivianos exigieron al gobierno eliminar el "artículo mordaza" que atenta contra la libertad de expresión](#), 10 April 2023; Los Tiempos, [El MAS suprime artículo mordaza del PL 305, pero la prensa continúa alerta](#), 18 April 2023.

⁶⁵¹ Asociación Nacional de La Prensa Boliviana, [La ANP alerta a ciudadanos de intentos para suprimir la libertad de expresión](#), 12 April 2023; Deutsche Welle (DW), [Bolivia anula "artículo mordaza" ante protesta de la prensa](#), 18 April 2023; Swissinfo, [Bolivia anula artículo "mordaza" que tenía en emergencia a gremios de prensa](#), 17 April 2023.

⁶⁵² Eju!, [Periodistas en alerta por "artículo mordaza" de un proyecto de ley que plantea juicios ordinarios](#), April 5, 2023; Página Siete, [Presidente: "En algunos casos estamos exagerados de libertad de expresión"](#), April 12, 2023.

⁶⁵³ Página Siete, [El proyecto del MAS crea 7 nuevos delitos y endurece penas de otros 11](#), 4 April 2023; Eju!, [El proyecto del MAS crea 7 nuevos delitos y endurece penas de otros 11](#), 4 April 2023.

271. After various demonstrations of rejection by journalists of the Bill⁶⁵⁴, the Human Rights Commission of the Chamber of Deputies suspended article⁶⁵⁵, "We have seen the suppression of article 281 of the bill 305/2023; in view of the dialogue and coincidence of the different sectors", said the legislator, president of the Human Rights Commission, in a press conference⁶⁵⁶. After the suspension, the National Press Association recognized the work of the Commission and the fulfillment of its principle of "legislating by listening to the people" which allowed to know the opinion of journalists and the print media, and reinforced the need for legislative change of Law No. 045, which allows journalists to be punished with imprisonment of up to five years and with the closure of information media⁶⁵⁷.

272. In relation to the guarantee of sexual and reproductive rights, RELE observed the initiative of the Ombudsman's Office to map the current situation of policies, international recommendations, ombudsman reports in this regard⁶⁵⁸, urging the State to ensure access to services and information on sexual and reproductive health⁶⁵⁹, and to develop an ombudsman action plan on vulnerable populations, such as children and adolescents, the elderly, cross-border indigenous peoples and women⁶⁶⁰. In spite of this, a young pregnant woman suffered harassment by some teachers and administrative staff of the normal school due to her pregnancy, and by determination of the institution she was extended a "Mandatory Temporary Leave", yet, the ombudsman's office managed to obtain a Constitutional Protection that restored the rights of the mother and ordered the institution the immediate reinstatement of the citizen to her regular classes⁶⁶¹. Thus, the RELE reinforces the importance of comprehensive sex education in the State, in addition to the protection of sexual and reproductive rights, ensured by the Convention of Belém do Pará.

273. Regarding the freedom of expression of the indigenous peoples, the State affirmed that the Indigenous Peoples' Radios-RPOs are state media that make it possible to reach the most remote places of the national rural territory, informing the communities in their native languages and enhancing compliance with Articles 106 and 107 of the Constitution and the Printing Press Law. In addition, up to 17% (seventeen percent) of the broadcasting frequency is reserved for the Social Community sector and up to 17% (seventeen percent) for the Indigenous Peasant Peoples, and the intercultural and Afro-Bolivian communities; this ensures, according to the information, that the aforementioned historically discriminated groups are assured a percentage of the radio electric spectrum.

274. On another issue regarding indigenous peoples, the State reported that it adopts measures to guarantee the free, prior and informed consent of indigenous and native peoples in the context of mining projects. Likewise, the National Committee Against Racism and all forms of Discrimination condemned the violence suffered by women of Los Andes Province, carried out by some members of the Single Union Federation of Native Peasant Workers of Los Andes Province⁶⁶². Now, for the first time, the justice system

⁶⁵⁴ AP News, [Bolivia: periodistas rechazan proyecto de ley del gobierno](#), 12 April 2023; CNN, [Periodistas preocupados por proyecto de ley que enviaría a comunicadores a tribunales penales](#), 10 April 2023; Página Siete, [CC denuncia: MAS proyecta "ley madre maldita" para coartar libertad de expresión](#), 20 April 2023; Los Tiempos, [Oposición denuncia que el MAS alista una "ley maldita" contra la libertad de expresión](#), 20 April 2023; Eju! [Periodistas protagonizan un plantón en la Catedral cruceña en rechazo al paquete de leyes "mordazas"](#), April 12, 2023.

⁶⁵⁵ Chamber of Deputies, [The Human Rights Commission of the Chamber of Deputies defends freedom of expression and the press in Bolivia](#), April 17, 2023.

⁶⁵⁶ La Razón, [Comisión de DDHH suprime el artículo del proyecto de Ley 305 que incomodaba a la prensa](#), April 17, 2023; Erbol, [El Legislativo suprime artículo 'mordaza' del proyecto de ley 305, rechazado por la prensa](#), April 17, 2023.

⁶⁵⁷ Asociación Nacional de la Prensa Bolivia, [ANP reminds that the exclusion of sanctions to journalists and media is pending](#), April 17, 2023.

⁶⁵⁸ Defensoría del Pueblo, [Comité interinstitucional por los derechos sexuales y derechos reproductivos en bolivia alista mapeo sobre situación de los derechos sexuales y reproductivos](#), September 26, 2023.

⁶⁵⁹ Defensoría del Pueblo, [Defensoría del Pueblo Urges the State to Guarantee Access to Sexual and Reproductive Health Services and Information](#) and [Defensoría del Pueblo Urges the State to Reduce to "Zero" Pregnancies in Adolescents under 15 and Guarantee Access to Sexual and Reproductive Health Services and Information](#), September 26, 2023.

⁶⁶⁰ Ombudsman's Office, [El defensor del pueblo lanza plan de acción defensorial sobre poblaciones vulnerables, como niñez y adolescencia, personas adultas mayores, pueblos indígenas transfronterizos y mujeres](#), February 22, 2023.

⁶⁶¹ Ombudsman's Office, [Pregnant mother will return to school thanks to a constitutional injunction filed by the Ombudsman's Office](#), May 20, 2023.

⁶⁶² Plurinational State of Bolivia, [National Committee Against Racism and All Forms of Discrimination condemns violence against women in Los Andes Province](#), September 27, 2023.

avored the rights of the Beni River, the Mositén people and communities in the face of contamination, and emphasized free, prior and informed consultation as a collective right of indigenous peoples⁶⁶³.

275. In a context of restriction of freedom of expression of the LGBTQIA+ population, RELE identified alleged violations of their rights⁶⁶⁴, especially for not having access to justice⁶⁶⁵, and RELE notes the call of the Ombudsman's Office for State actions regarding the prevention of discrimination, including education, awareness and information measures for the general population⁶⁶⁶.

276. During the visit carried out in 2023, the IACHR highlighted that the historical structural discrimination in the country is still a challenge for the transformation on the pillars of decolonization and depatriarchalization for a perspective of social justice, a process that has faced strong resistance against equality on grounds of ethno-racial origin, gender, sexual orientation and gender identity⁶⁶⁷. Still, this Rapporteurship takes note of the validity of the Multisectoral Plan for Integral Development to Live Well Against Racism and All Forms of Discrimination 2021 - 2025 developed by the State with the objective of making effective the complex coordinated and joint tasks to prevent and fight against racism and discrimination⁶⁶⁸.

277. Regarding the protection of persons with disabilities, the State affirmed that the teaching of sign language is a right of students who require it in the educational system, being part of the multilingual training of teachers, within the framework of the regulations. Furthermore, the Bolivian Ombudsman's Office stated that, due to the values of equality and inclusion, it is obliged to recognize this language as an official language of the State belonging to the Bolivian deaf community⁶⁶⁹. The Ombudsman's Office ratified its commitment to promote the rights of the Indigenous Indigenous Peasant Nations and Peoples, Afro-Bolivian People⁶⁷⁰.

D. Freedom of expression and the Internet

278. RELE observed that, in Bolivia, the fragmentation of the social fabric would also be manifested in online behavior, which has generated challenges to the State and society and, as a consequence, recent attempts to regulate the networks. Thus, in 2023, the Rapporteurship monitored with concern the presentation of Bill No. 304⁶⁷¹, which proposed a reform in the Penal Code to incorporate the crime "against dignity through social networks" and the punishment of imprisonment of five to seven years for attacking "the image or dignity of one or more natural and legal persons". According to information from civil society, the project presents an open prior censorship that is contrary to international treaties and the Political Constitution of the State

⁶⁶³ Ombudsman's Office, [Historical: Justice grants protection of the rights of the Mositén people and the Beni River requested by the Ombudsman's Office](#), August 8, 2023.

⁶⁶⁴ Opinión, [Hay al menos 38 casos de violencia hacia mujeres trans en lo que va que va del año](#), 17 May 2023; Página Siete, [LGBTQ: 80 crímenes de odio impunes y un reconocimiento lento de su identidad](#), 26 June 2023.

⁶⁶⁵ Página Siete, [En dos años y medio 144 personas LGBTI denunciaron vulneración a sus derechos, la mayoría por no tener acceso a la justicia](#), 28 June 2023.

⁶⁶⁶ Defensoría del Pueblo, [Defensoría del pueblo exhorta al estado a implementar políticas públicas efectivas para erradicar la discriminación por orientación sexual e identidad de género](#), May 17, 2023; Defensoría del Pueblo, [Defensoría del pueblo convoca a erradicar la discriminación contra la población LGBTQI+](#), June 28, 2023.

⁶⁶⁷ IACHR, [Preliminary Observations, On-site Visit to Bolivia](#), March 27-31, 2023.

⁶⁶⁸ Plurinational State of Bolivia, [Plan multisectorial de desarrollo integral para vivir bien contra el racismo y toda forma de discriminación 2021 - 2025](#), February 27, 2023.

⁶⁶⁹ Defensoría del Pueblo, [Federación Mundial de Sordos agradece pronunciamiento defensorial para que Bolivia declare la lengua de señas como un idioma oficial más](#), 26 de septiembre de 2023.

⁶⁷⁰ Ombudsman's Office, [On the international day of indigenous peoples, the Ombudsman's Office calls for strengthening, promoting and respecting their rights within the framework of the plurinational state of Bolivia](#), August 9, 2023.

⁶⁷¹ House of Representatives, [Bill 304/2022-2023](#), March 1, 2023.

(CPE)⁶⁷². Following this opposition, the bill was withdrawn by the drafting body at the request of the Vice-Ministry of Communication and filed⁶⁷³.

279. The IACHR recalls that States should favor multisectoral Internet governance, which "guarantees the active participation of representatives of the various interests that converge around the development and regulation of the Internet, including States, the private sector, the technical sector, civil society and academia, and fundamentally the users"⁶⁷⁴. In such processes, the design of Internet regulation must be careful not to impede the circulation of legitimate discourse, which deserves protection, in the name of combating the risk of circulation of content considered illegitimate⁶⁷⁵. The relevance of the Internet as a platform for the enjoyment and exercise of human rights is directly linked to the architecture of the network and the principles that govern it. For this reason, the creation of hermetic regulatory frameworks or those with restrictive conditions may hinder its development and operation, as well as the possibilities for innovation.

280. RELE also notes that more than 1,600 Facebook and Instagram accounts were suspended in Bolivia. The owner of both companies, Meta, took the decision for having detected an alleged "coordinated activity" to disseminate government-friendly messages and silence opposition accounts⁶⁷⁶. According to Meta's Fourth Quarter 2022 Adversary Threat Report, "a mixed operation (coordinated adversarial activities that infringed several policies at the same time) in Bolivia, linked to the current government and the Movimiento al Socialismo (MAS) party⁶⁷⁷. Likewise, this network "engaged in both coordinated inauthentic behavior and massive reporting (or coordinated abusive reporting) in support of the Bolivian government and to criticize and attempt to silence the opposition. This operation operated on various Internet services, including Facebook, Instagram, Twitter, YouTube, TikTok, Spotify, Telegram and websites associated with its own 'news media' brands."⁶⁷⁸. MAS deputies, as well as political leaders of the party, have called for investigations into the event⁶⁷⁹.

281. For its part, the legal director of the Telecommunications and Transport Authority (ATT) has pointed out that Meta's report, which has no official status, does not "evidence any kind of proof, documentation or supporting data that validates the claims that the allegedly false identity accounts have a relationship or link with the Bolivian government"⁶⁸⁰. The government also stated that the organization should consult with it before issuing the statement about the fake accounts and demanded more transparency from the digital

⁶⁷² IPYS, [Voces del Sur rechaza la propuesta de regulación de redes sociales en Bolivia por atentar contra la libertad de expresión](#), April 5, 2023; Opinión, [ANP rechaza censura previa en proyecto de regulación de redes sociales](#), March 26, 2023.

⁶⁷³ Plurinational State of Bolivia. Viceministerio de comunicación, [Diputado Juan José Huanca retira proyecto de ley 304 que regula el uso de las redes sociales](#), 12 April 2023; La Patria, [MAS retira proyecto de Ley 304 que regula y sanciona el uso indebido de las Redes Sociales](#), 12 April 2023; Internet Bolivia, [La sociedad civil organizada celebra la suspensión del tratamiento del Proyecto de Ley N°304](#), 13 April 2023.

⁶⁷⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a Free, Open and Inclusive Internet. OEA/Ser.L/V/II IACHR/RELE/INF.17/17, March 15, 2017, para. 17.

⁶⁷⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a free, open and inclusive internet. OEA/Ser.L/V/II IACHR/RELE/INF.17/17, March 15, 2017, para. 88.

⁶⁷⁶ Centro Latinoamericano de investigación periodística, [Los funcionarios de la desinformación en Bolivia](#), November 30, 2023; El País, [El expresidente recrudescer sus críticas al candidato que aupó desde el exilio en 2020 en una lucha de facciones que amenaza la unión de la izquierda](#), March 7, 2023.

⁶⁷⁷ META, [Adversarial Threat Report. Fourth quarter 2022 | About Meta \(fb.com\)](#), February 23, 2023.

⁶⁷⁸ META, [Adversarial Threat Report. Fourth quarter 2022 | About Meta \(fb.com\)](#), February 23, 2023.

⁶⁷⁹ El País, [Evo pide revelar cómo se financian los "mercenarios digitales" y qué ministros están implicados](#), 1 March 2023; El Deber, [Héctor Arce denuncia que "mercenarios digitales" crearon una cuenta falsa donde lo hacían pasarían como dama de compañía](#), 28 February 2023.

⁶⁸⁰ Bolivian information agency, [ATT: Informe de Meta sobre 'guerreros digitales' no es uno oficial y no tiene respaldos](#), 28 February 2023; La Razón, [La ATT dice que el informe de Meta no tiene pruebas para vincular al Gobierno con cuentas falsas](#), 27 February 2023.

platforms⁶⁸¹. RELE was informed that the Vice Minister of Communication requested an audit of the advertising contracting processes⁶⁸².

282. RELE highlights that social media platforms offer environments where it is possible to share information, ideas and access content produced by third parties and seem to play central roles in the new information ecosystem⁶⁸³, so that today social networks are an important part of people's information habits. The Commission has also recognized that the use of automated publishing tools and bots, although not problematic per se, represent a problematic use of social networks when they operate as part of disinformation campaigns. In this sense, although it records the information provided by the State, it also recognizes as worrying Meta's report on the evidence of the use of coordinated inauthentic behavior with the aim of interfering in the public debate⁶⁸⁴. RELE emphasizes that political leaders, especially state authorities, must act with greater diligence than any citizen when pronouncing on these matters, which includes the duty to reasonably verify the facts on which they base their opinions and criticisms⁶⁸⁵.

283. This Rapporteurship is concerned about the fact that, in Santa Cruz de la Sierra, an advanced Surveillance Center equipped with Artificial Intelligence (AI) technology will be implemented in 90 schools, to identify the faces of students through biometric registration, detect the gender of students when accessing bathrooms and alert about the presence of unauthorized persons inside the establishments. Increased surveillance in schools, through facial recognition systems, may violate human rights and the rights of children and adolescents⁶⁸⁶. In this sense, civil society reinforces the need for a data protection law that protects human rights and personal data⁶⁸⁷.

284. The Rapporteurship also notes that universal access to the Internet continues to be a challenge in Bolivia and urges the State to persist in its efforts to close the digital divide in the country. According to information provided by the State, the fixed Internet penetration rate as of December 2022, per household, was 55.3% nationwide. At the same time, mobile Internet penetration is 88% nationwide. The Rapporteurship highlights the existence of a higher percentage of the digital divide in provinces such as Pando, Potosí, Beni and Chuquisaca, especially when compared to Oruro, Santa Cruz and La Paz³. According to the information submitted by the State, it also reveals a digital divide in "contrast between the Bolivian Internet user and non-internet user population" when evaluated according to "socioeconomic, geographic, educational, gender and cultural" areas⁴. According to the State, "the social, ethnic and economic inequalities already present (for example, being an indigenous woman, poor, over 45 years of age) added to those of digital illiteracy feed back and aggravate"⁵.

285. The Rapporteurship takes note of the State's efforts to establish reduced preferential rates in order to promote universal access to the Internet.⁶ In this regard, RELE welcomes the existence of the Instructions for the Application of the Solidarity Tariff for Persons with Disabilities⁷. The State has also informed that the development of the "Plataforma de Registro de Radiobases" allows a more accurate identification of the reduction of the digital divide, a reliable database and thus the reduction of the digital

⁶⁸¹ Opinion, [Gobierno considera que Meta debió consultarle antes de vincularlo en informe sobre cuentas falsas](#), February 23, 2023; Los Tiempos, [Gobierno considera que Meta debió consultarle antes de vincularlo en informe sobre cuentas falsas](#), February 23, 2023.

⁶⁸² Página Siete, [Tras denuncia de Evo sobre guerreros digitales, Alcón dice que pidió auditoría de los contratos](#), February 27, 2023; UNITEL, [Alcón responde a Evo y pide auditoría a la publicidad estatal por caso 'guerreros digitales'](#), February 27, 2023.

⁶⁸³ OAS, Office of the Special Rapporteur for Freedom of Expression, [Guía para garantizar la libertad de expresión frente a la desinformación deliberada en contextos electorales](#), OEA/Ser.D/XV.22, OEA/Ser.G CP/CAJP/INF.652/19.

⁶⁸⁴ OAS, Office of the Special Rapporteur for Freedom of Expression, [Guía para garantizar la libertad de expresión frente a la desinformación deliberada en contextos electorales](#), OEA/Ser.D/XV.22, OEA/Ser.G CP/CAJP/INF.652/19.

⁶⁸⁵ I/A Court H.R., Case of Ríos et al. v. Venezuela, Preliminary Objections, Merits, Reparations and Costs, Judgment of January 28, 2009, Series C No. 194, para. 139; I/A Court H.R., Case of Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations and Costs, Judgment of January 28, 2009, Series C No. 195, para. 151.

⁶⁸⁶ Network One, [Implement AI in school surveillance: It will scan students' faces to identify them](#), July 27, 2023; Internet Bolivia, [Smile, we're filming you. The risk of using facial recognition in schools](#), July 27, 2023.

⁶⁸⁷ Internet Bolivia, [Towards a personal data protection law that guarantees our rights](#), April 20, 2023.

divide by obtaining updated information⁸. RELE recalls that Internet access is a sine qua non condition for the effective exercise of human rights⁶⁸⁸.

286. However, the Rapporteurship is concerned about the absence of policies aimed at promoting digital literacy for the development of civic skills. The State reported on a digital inclusion program that aims to "reduce the digital divide and generate technological skills in the population, aimed especially at children, youth, seniors, people with disabilities and small producers", in addition to the implementation of Training and Technological Innovation Centers to reduce the geographic divide, and the formulation of the Digital Agenda 2030 that will have goals of democratization of access to telecommunications services, and promotion of digital citizenship⁶⁸⁹. It also reported on the implementation of Training and Technological Innovation Centers starting in 2022 and the development of at least three projects indicated as digital literacy projects (LAS WARMI TIC, HACKATHON CODE.ATT, and information fairs)⁹. However, the Rapporteurship notes that these programs do not yet include a human rights approach, aimed at "promoting the ability of all people to make autonomous, independent and responsible use of the Internet and digital technologies"¹⁰.

⁶⁸⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a free, open and inclusive internet, OEA/Ser.L/V/II IACHR/RELE/INF.17/17, March 15, 2017, para. 32.

⁶⁸⁹ Information sent by the Plurinational State of Bolivia in response to RELE's request for information in the framework of the preparation of the Inter-American Report on Digital Inclusion, Ownership and Governance, MPB-OAS-NV097-23, Note from the Permanent Mission of Bolivia to the OAS, April 13, 2023, p.2,3. Archive of the Office of the Special Rapporteur.

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287. In 2023, RELE observed the continuity of attacks, threats and aggressions against journalists in the exercise of their work, including in the context of social protests, the office recorded a notable reduction in the number of reports on stigmatizing statements against the press attributable to high authorities of the Executive Branch. Likewise, RELE monitored that demonstrations questioning the results of the 2022 elections continued. In particular, the IACHR repudiated the attacks against democratic institutions in Brazil on January 8, when people violently entered the headquarters of the three branches of government, resulting in several arrests, damage to the buildings of the three branches and threats to democratic order, in addition to the criminal prosecution of the persons involved in such acts. RELE monitored complaints of stigmatizing statements by public officials against LGBTI people, amid reports on alleged restrictions to free expression on these issues. During 2023, progress was made in debates on the regulation of the internet in Brazil, including aspects on the responsibility of intermediaries, artificial intelligence and the remuneration of journalistic work in legislative processes that have not yet been concluded. RELE monitored the progress of the debates on the bill to approve the Brazilian Law on Internet Freedom, Accountability and Transparency, amid an atmosphere of high tension between different sectors of society regarding its content.

A. Journalism and democracy

288. In 2023, this Office reported episodes of violence and aggressions against journalists in the exercise of their work, especially by state agents. According to the information received, on May 30, after a meeting between the presidents of Brazil and Venezuela, security agents of the Venezuelan president and the service of the Institutional Security Office of the Brazilian presidency reportedly prevented the press from approaching. Journalist Delis Ortiz was reportedly hit in the chest and other journalists were also assaulted⁶⁹⁰. The Rapporteurship also learned of acts of intimidation and aggression against journalist Kleyton Silva by the head of the Military Cabinet of the Public Prosecutor's Office of Pará (MPPA)⁶⁹¹. On another occasion, a police officer harassed and pointed a rifle at TV Globo reporter Danielle Zampollo while she was covering a police operation⁶⁹². Likewise, RELE received information about aggressions and intimidations by a federal deputy to journalist Guga Noblat. According to available information, the journalist questioned the congressman about alleged corruption cases⁶⁹³.

289. The Rapporteurship underscores its concern for the atmosphere of hostility against journalists in demonstrations that took place at the beginning of 2023 in rejection of the 2022 election results. According to the National Federation of Journalists (FENAJ) January was marked by attacks on journalistic activity in at least six states of the country⁶⁹⁴. These attacks resulted in aggressions against a journalist of *Hoje em Dia* and the team of the newspaper *O Tempo*⁶⁹⁵. Also, on January 8, demonstrators supporting the former president of the country demonstrated in Brasilia, violently breaking into the facilities of the three branches of government⁶⁹⁶. During this day, which demanded a military intervention for the deposition of the government, the Brazilian Press Association reported that at least 15 journalists were attacked and their equipment stolen.

⁶⁹⁰ G1, [Agentes de segurança de Maduro e a serviço do GSI agridem jornalistas no Itamaraty](#), 30 de maio de 2023.

⁶⁹¹ FENAJ, [Nota de Repúdio ao ataque contra o jornalista Kleyton Silva](#), April 15, 2023; ABRAJI, [Organizações da sociedade civil cobram autoridades no caso de jornalista atacado por coronel da PM no Pará](#), May 3, 2023.

⁶⁹² G1, Reporter profession. [VIDEO: Policial aponta fuzil para jornalista durante reportagem em comunidade de Guarujá \(SP\)](#), 16 August 2023; Committee to Protect Journalists, [CPI joins call for investigation into police treatment of Brazilian journalist Danielle Zampollo](#), 23 August 2023.

⁶⁹³ ABRAJI, [Abraji repudia atitude do deputado Mário Frias contra jornalista](#), 11 May 2023; Forum, [Guga Noblat x Mário Frias: jornalista conta detalhes da agressão que sofreu e fará B.O.](#), 12 May 2023.

⁶⁹⁴ Instagram Federação Nacional dos Jornalistas, [Nota de Repúdio](#), January 7, 2023.

⁶⁹⁵ G1, [Bolsonaristas agridem jornalistas durante ação de desmonte de acampamento em Belo Horizonte](#), 6 January 2023; G1, [Bolsonaristas são suspeitos de agredir fotógrafo de jornal de BH com socos e pauladas em ocupação em frente ao Exército](#), 5 January 2023.

⁶⁹⁶ IACHR, [IACHR Repudiates Attacks on Democratic Institutions in Brazil](#), Press Release No. 006/2, January 23, 2023.

According to public information, a photojournalist of the portal *Metrópoles* was attacked by ten men and some journalists reported having been threatened with firearms⁶⁹⁷.

290. The Rapporteurship recalls that the press plays a fundamental role in social demonstrations to keep society informed. For this reason, the State has the duty to guarantee that journalists are not detained, threatened, assaulted, or limited in any way in their rights because of the exercise of their profession⁶⁹⁸.

291. However, RELE welcomes the decision of the São Paulo Court of Justice on February 13, 2023 that denied the request of the State Attorney General's Office to review the payment of a life pension to photojournalist Alex Silveira⁶⁹⁹. The photojournalist lost 90% of his vision due to a rubber bullet fired by a police officer while covering a protest in São Paulo on May 18, 2000⁷⁰⁰ and, in 2021, the Federal Supreme Court determined the State's duty to compensate him. However, in a similar case, the São Paulo Court of Justice denied on April 26, 2023 to pay compensation to photojournalist Sérgio Silva, who also lost an eye while covering one of the June 2013 protests when he was hit by a rubber bullet fired by the Military Police⁷⁰¹.

292. On the other hand, the Office of the Special Rapporteur welcomes the efforts of the Brazilian government to create the National Observatory of Violence against Journalists, which will monitor these cases and also seek to have them investigated⁷⁰². According to available information, the Observatory has already received its first request for investigation, linked to a persecution against journalist Alexandre Aplá, editor of the newspaper *Isso é Notícia* and critic of the governor of the state of Mato Grosso. The journalist has received threats and intimidation for his publications on matters of public interest and for denouncing irregularities in advertising agreements signed by the said government⁷⁰³.

293. RELE recalls that violence against the press violates the fundamental rights of individuals and severely restricts freedom of expression⁷⁰⁴. The exercise of journalism "can only be carried out freely when the persons who carry it out are not victims of threats or physical, psychological or moral aggressions or other acts of harassment"⁷⁰⁵.

294. In view of the above, RELE emphasizes that it is the duty of States to prevent and investigate acts of violence, punish the perpetrators and ensure adequate reparation for the victims. To fully safeguard the exercise of freedom of expression, it is necessary to put an end to impunity for crimes against journalists⁷⁰⁶. In this context, the Rapporteurship received updates on the investigation into the murder of journalist Dom Phillips and indigenist Bruno Araújo Pereira, killed while conducting a journalistic investigation in the state of Amazonas in 2022. According to public information, the mastermind of the murders was arrested and was the leader and main financier of an armed group engaged in illegal fishing in the Amazon⁷⁰⁷. However, the

⁶⁹⁷ G1, [ABI pede à PGR apuração de ataques a jornalistas durante atos golpistas em Brasília](#), 16 January 2023; Infobae, [La Asociación de Prensa pide sanción a golpistas que agredieron a periodistas](#), 16 January 2023; ABI, [ABI pede que PGR investigue responsáveis por violências contra jornalistas nos atos terroristas](#), 12 January 2023; *Metrópoles*, [Fotojornalista do Metrôpoles é agredida e roubada por bolsonaristas](#), 8 January 2023.

⁶⁹⁸ UN, OAS, Joint Declaration on violence against journalists and communicators in the framework of social demonstrations, September 13, 2013.

⁶⁹⁹ Ponte, [Justiça decide que SP vai ter que pagar pensão integral para fotojornalista cegado pela PM](#), 14 de febrero de 2023.

⁷⁰⁰ IACHR, Annual Report 2011, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II. Doc. 69, December 30, 2011.

⁷⁰¹ ABRAJI, [Abraji repudia decisão do TJ que negou indenização a fotojornalista que ficou cego em junho de 2013](#), 26 de abril de 2023; Artigo 19, [Ao negar indenização a Sérgio Silva, Justiça paulista desresponsabiliza o Estado pela violência que cegou o fotojornalista 10 anos atrás: a ARTIGO 19 questiona decisão](#), 27 de abril de 2023.

⁷⁰² Latam Journalism Review, [Brazilian Government responds to demands from press freedom organizations and creates the National Observatory on Violence against Journalists](#), January 23, 2023.

⁷⁰³ Veja, [Observatório de violência contra jornalistas já tem sua primeira denúncia](#), 30 January 2023; A publica, [Gravações colocam governador do MT sob suspeita de tamar contra jornalista](#), 26 January 2023.

⁷⁰⁴ Declaration of Principles on Freedom of Expression, 2000.

⁷⁰⁵ I/A Court H.R., Case of Vélez Restrepo and Family Members v. Colombia, Preliminary Objections, Merits, Reparations and Costs, Judgment of September 3, 2012, Series C No. 248, para. 209.

⁷⁰⁶ El País, [El año más letal para la prensa en las Américas](#), November 2, 2022.

⁷⁰⁷ Swissinfo, [Policía identifica autor intelectual por muertes de periodista e indigenista](#), 23 January 2023; Tvazteca, [Brasil: arrestan a sospechoso de ordenan muertes de Pereira y Phillips](#), 23 January 2023.

Rapporteurship was also informed about the lack of progress in the investigation and trial of other perpetrators⁷⁰⁸.

295. The Rapporteurship notes that impunity for crimes against journalists is a challenge that Brazil must face. For example, in 2023 the Rapporteurship was informed that more than nine years after the murder of journalist Pedro Palma, the police investigation has not reached the domestic courts⁷⁰⁹. The Rapporteurship urges the Brazilian State to redouble its efforts to investigate and punish episodes of violence against the press, especially murders, taking into consideration that impunity has a strong inhibiting effect on the exercise of freedom of expression⁷¹⁰ and a propitiating effect on the chronic repetition of human rights violations⁷¹¹.

296. Since the murder of Philips and Pereira, there have been at least 62 attacks on journalists in the Amazon, and it is necessary to reiterate the duty of the State to adopt the necessary measures to prevent acts of violence and ensure the safety of journalists in the region⁷¹². In this context, the Rapporteurship highlights the creation of a Joint Working Group on the implementation of precautionary measures MC-449-22, granted in favor of Bruno Araújo Pereira, Dom Phillips and 11 members of the Union of Indigenous Peoples of the Javari Valley (UNIVAJA), which would include the operation of a National Articulation and Coordination Group⁷¹³.

297. At the same time, as has been reported in the last annual reports of RELE, the office continues to observe a high pattern of judicialization against the press, including the use of criminal proceedings⁷¹⁴. In this context, a journalist has been sued in at least six criminal proceedings for her coverage of a case of alleged sexual violence. The plaintiffs include the judge and the prosecutor who investigated and tried the complaint⁷¹⁵. In November, the Rapporteurship learned that in the process carried out by these public officials, the journalist had been criminally convicted of defamation with a sentence of 6 months of detention in open regime, 20 days fine and civil reparation of 400 thousand reais (approx. 80 thousand USD) in favor of the plaintiffs⁷¹⁶. At the same time, the president of the Brazilian Chamber of Deputies filed a civil action, with a request for compensation of 300 thousand reais (approx. 60 thousand USD) against two media outlets that reported an alleged complaint of sexual violence against the deputy⁷¹⁷.

298. This Office also received information about a case in which journalists from *The Intercept* were called to a police station to give statements in connection with a report revealing a possible money laundering operation by Igreja Universal⁷¹⁸. Also noted were cases of court orders demanding the withdrawal of reports

⁷⁰⁸ Repórteres sem Fronteiras, [Um ano depois, o assassinato de Dom Phillips permanece impune: RSF denuncia lentidão da justiça brasileira](#), June 5, 2023.

⁷⁰⁹ A Safer World for Truth, [O caso da Transparência: Oportunidades para a Justiça no caso de Pedro Palma e Mais Além](#); LatAm Journalism Review, [Nine years after the murder of journalist Pedro Palma in Brazil, the police investigation has not even reached the courts - LatAm Journalism Review](#), November 1, 2023.

⁷¹⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Violence against journalists and media workers: Inter-American standards and national practices on prevention, protection and the pursuit of justice, OEA/Ser.L/V/II. IACHR/RELE/INF.12/13, December 31, 2013, para. 2.

⁷¹¹ I/A Court H.R., Case of Leguizamón Zaván et al. v. Paraguay. Interpretation of the Judgment on the Merits and Reparations and Costs, Judgment of August 30, 2023, Series C No. 500, para. 59.

⁷¹² CNN, [Amazônia Legal registra ao menos 62 casos de violência contra jornalistas após morte de Dom e Bruno](#), 5 June 2023; Carta Capital, [Amazônia tem 62 ataques a jornalistas desde os assassinatos de Dom e Bruno](#), 5 June 2023.

⁷¹³ IACHR, [Brazil: IACHR reports the creation of the Joint Working Group on the implementation of precautionary measures in favor of Bruno Araújo, Dom Phillips and members of UNIVAJA](#), Press Release No. 179/2023, August 11, 2023.

⁷¹⁴ ABRAJI, [Jornalista de Cuiabá é alvo de ação criminal por publicação de reportagem](#), 30 January 2023; Conexão MT, [Matéria atualizada! Governador estuda fechar acordo com empresário investigado pela PF](#), March 10, 2023.

⁷¹⁵ ABRAJI, [Organizações da sociedade civil alertam sobre ações judiciais contra jornalista de Santa Catarina](#), March 15, 2023; ABRAJI, [Organizações expressam preocupação com processos criminais movidos contra a jornalista Schirlei Alves](#), undated.

⁷¹⁶ Consultor Jurídico, [Jornalista é condenada à prisão por difamação contra juiz e promotor](#), November 15, 2023; Folha de São Paulo, [Justiça de SC condena jornalista do caso Mariana Ferrer a prisão em regime aberto](#), November 15, 2023.

⁷¹⁷ Associação Brasileira de Imprensa, [ABI repudia processo de Arthur Lira contra Agência Pública e ICL Notícias](#); Folha de São Paulo, [Justiça do DF manda censurar reportagem após pedido de Lira](#), September 19, 2023.

⁷¹⁸ The Intercept Brazil, [A Igreja Universal quer descobrir nossas fontes - e teremos que depor na polícia](#), May 9, 2023; Latam Journalism Review, [Journalists from The Intercept Brazil are forced to testify before police over report on Igreja Universal](#), May 9, 2023.

critical of the judiciary itself and the behavior of judges⁷¹⁹, on court cases involving the application of a family law currently under legislative debate for reform⁷²⁰, on the murder of an indigenous leader⁷²¹, and on a matter involving alleged irregularities during the previous government⁷²². In some of these cases, higher court orders were able to overturn the decision⁷²³. RELE is particularly concerned about allegations of the prohibition of the broadcasting of news, even prior to its publication, such as the decision of the Court of Justice of the State of Rio de Janeiro, later suspended,⁷²⁴ which prohibited the television program "Linha Direta", of the Globo network, to expose the report on the murder of a 4 year old child, following a request from the possible defendants about the fairness of the trial⁷²⁵.

299. While repeated episodes of use of legal actions to intimidate and silence journalists and communicators, a phenomenon known as judicial harassment, the Federal Public Prosecutor's Office (MPF) announced, in January, the creation of a forum to monitor violations of press freedom and justice against journalists and press professionals, which will be adopted in Rio de Janeiro⁷²⁶. In addition, the institution sent suggestions for changes in the topics of the Unified Procedural Tables to the National Council of Justice (CNJ), with the intention of facilitating the identification of episodes of judicial harassment against journalists and communicators, since the lack of their own specifications hinders the investigation and follow-up in the judicial systems⁷²⁷. The Rapporteurship also received information on the case of a journalist sentenced to pay a compensation of US\$2,000 for publishing a threatening message sent to her by the lawyer of the former president of the republic after the dissemination of a report on the alleged corruption involving the public authority and members of his family. According to RELE, in 2023 the second instance court would have reformed the decision⁷²⁸.

300. RELE recalls that restrictions on the free circulation of ideas and opinions, as well as the arbitrary imposition of information and the creation of obstacles to the free flow of information, violate the right to freedom of expression⁷²⁹. The ACHR explicitly prohibits prior censorship and, with the exception of the hypotheses of Article 13.4, in all other cases any measure that imposes restrictions preventively implies the impairment of freedom of thought and expression⁷³⁰. Thus, the eventual and alleged abuses of the exercise of the right to freedom of expression must be subject to mechanisms of subsequent liability⁷³¹, noting that, for this purpose, the use of criminal law is not conventionally when it comes to crimes against honor involving offenses and imputation of offensive facts to public officials⁷³². In any case, it is recalled that even when it comes

⁷¹⁹ The Intercept Brazil, [Judiciário do Rio de Janeiro censura nossa reportagem sobre... o Judiciário do Rio de Janeiro](#), X account by Andrew Fishman (@@AndrewDFish), [August 11, 2023](#).

⁷²⁰ The Intercept Brasil, [Juíza do Rio censura série do Intercept sobre Lei da Alienação Parental](#), 1 June 2023; Conjur, [Juíza manda Intercept tirar do ar reportagens sobre alienação parental](#), 1 June 2023.

⁷²¹ ABRAJI, [Justiça da Bahia censura reportagem do Intercept Brasil](#), September 15, 2023; Intercept Brasil, [A censura caiu: agora você pode ler sobre a história de Mãe Bernadete](#), September 14, 2023.

⁷²² Folha de São Paulo, [Juiz e desembargador do DF censuram reportagem da revista Piauí](#), July 14, 2023; Poder 360, [Justiça do DF censura trecho de reportagem da revista "Piauí"](#), July 15, 2023.

⁷²³ Supremo Tribunal Federal, [RECLAMAÇÃO 61.516 DISTRITO FEDERAL](#), September 1, 2023; G1, [Fux concede liminar para permitir que o 'Intercept' volte a divulgar reportagem sobre o assassinato de Mãe Bernadete, na Bahia](#), October 25, 2023.

⁷²⁴ STF, [Minister Gilmar Mendes suspended the decision of the Justice of Rio de Janeiro, which had prohibited the broadcasting of "Linha Direta", from TV Globo, this Friday](#) night, May 18, 2023.

⁷²⁵ IG People. May 17, 2023. [Justiça censura Globo e veta caso Henry Borel no Linha Direta](#).

⁷²⁶ Information sent by the State of Brazil in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 373 from the Permanent Mission of Brazil to the OAS, September 15, 2023. Archive of the Office of the Special Rapporteur.

⁷²⁷ Information sent by the State of Brazil in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 373 from the Permanent Mission of Brazil to the OAS, September 15, 2023. Archive of the Office of the Special Rapporteur.

⁷²⁸ Conjur, [TJ-SP mantém condenação de Wassef e isenta jornalista de indenizá-lo](#), 20 April 2023; Correio Braziliense, [TJSP derruba indenização imposta a jornalista que publicou 'ameaças' de Wassef](#), 25 April 2023.

⁷²⁹ IACHR, Declaration of Principles on Freedom of Expression, 2000.

⁷³⁰ I/A Court H.R., Case of "The Last Temptation of Christ" (Olmedo Bustos et al.) v. Chile, Merits, Reparations and Costs, Judgment of February 5, 2001, Series C No. 73.

⁷³¹ ACHR, Art. 13.2.

⁷³² I/A Court H.R., Case of Baraona Bray v. Chile, Preliminary Objections, Merits, Reparations and Costs, Judgment of November 24, 2022. Series C No. 481, paras. 128-130.

to the use of civil mechanisms, an extremely high civil reparation can clearly be as intimidating or more inhibiting for the exercise of freedom of expression than a criminal sanction.⁷³³

301. In 2023, RELE also observed the persistence of stigmatizing statements by public officials against journalists, however, it considers that there would be a notable decrease in the vocalization of such messages by high-ranking political leaders, particularly by the President of the Republic. For example, according to public information, on January 10, the Attorney General of the Republic stated, during an interview, that a journalist seems to have a "fetish" with him. According to available information, the journalist was writing criticisms of his performance as Attorney General before the January 8 demonstrations in Brasília⁷³⁴. In addition, a councilman of the municipality of Pelotas reportedly referred to a journalist as "incapable", "incompetent" and "biased"⁷³⁵. RELE also learned that a state deputy called a journalist a "liar" and accused him of writing "against the state"⁷³⁶.

302. In addition, the Office of the Special Rapporteur has received information on online discrediting and threats against the press. According to the Brazilian Association of Radio and Television Broadcasters (Abert), in 2022 journalists suffered an average of 150 virtual attacks per hour, most of them during the electoral period⁷³⁷. Likewise, the organization Reporters Without Borders monitored social networks during three months of electoral campaign and identified more than 3.3 million intimidating publications against journalists and media outlets. According to the reports, this means that, every 3 seconds, at least one journalist was attacked on social networks during the electoral period in Brazil. Additionally, of the 10 journalists who received the highest number of attacks, seven are women⁷³⁸.

303. Despite the above, according to information from the State, Brazil moved up 18 places in the world press freedom ranking, according to the World Press Freedom Ranking 2023 report, prepared by the non-governmental organization (NGO) Reporters Without Borders (RSF), and now ranks 92nd⁷³⁹. The Brazilian government stated that, through the Secretariat of Social Communication of the Presidency of the Republic (SECOM-PR), it strives to defend freedom of expression, defend the rights of press professionals and value the work of journalists, joining the "International Association for Information and Democracy", thus joining 50 countries that defend the promotion and protection of the exercise of freedom of expression and access to reliable information⁷⁴⁰. Likewise, a court of second instance, although it had reduced by half the value of the compensation, upheld the conviction of former President Jair Bolsonaro to pay compensation for a series of stigmatizing statements made against journalists during his term of office⁷⁴¹.

304. The Rapporteurship notes the importance of Brazilian public authorities of all branches of government constantly, clearly, publicly and firmly recognizing the legitimacy and value of the work of the press, even when the information disseminated may be critical, inconvenient and inappropriate to their interests⁷⁴². Therefore, RELE takes note of an important rapprochement between the Executive Branch and

⁷³³ I/A Court H.R., Case of Tristán Donoso v. Panama, Preliminary Objections, Merits, Reparations and Costs, Judgment of January 27, 2009, Series C No. 193, para. 129.

⁷³⁴ Terra, [Em ataque machista. Augusto Aras diz que Miriam Leitão tem fetiche nele](#), January 10, 2023; O Globo, [ANI repudia ataques de Augusto Aras à jornalista Miriam Leitão](#), January 10, 2023.

⁷³⁵ ABRAJI, [Abraji condena discurso de vereador contra repórter de Pelotas \(RS\)](#), 20 January 2023; FENAJ, [Entidades repudiam falas de vereador contra jornalista de Pelotas](#), 19 January 2023.

⁷³⁶ ABRAJI, [Abraji repudia ofensas de líder do governo baiano contra repórter da Folha](#), 28 February 2023; FENAJ, [Sinjorba presta solidariedade a jornalista atacado por deputado](#), 1 March 2023.

⁷³⁷ Swisinfo, [Brazilian press suffered "150 virtual attacks" per hour in 2022](#), May 10, 2023.

⁷³⁸ Repórteres sem Fronteiras, [O jornalismo frente às redes de ódio no Brasil](#), April 2023.

⁷³⁹ Information sent by the State of Brazil in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 373 from the Permanent Mission of Brazil to the OAS, September 15, 2023. Archive of the Office of the Special Rapporteur.

⁷⁴⁰ Information sent by the State of Brazil in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 373 from the Permanent Mission of Brazil to the OAS, September 15, 2023. Archive of the Office of the Special Rapporteur.

⁷⁴¹ G1, [Bolsonaro tem condenação definitiva na Justiça por ataques a jornalistas | Política](#), 19 October 2023; CNN, [Bolsonaro é condenado definitivamente por ataques a jornalistas em ação de sindicato](#), 19 October 2023.

⁷⁴² IACHR, Office of the Special Rapporteur for Freedom of Expression, Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión, March 2017, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, para. 158.

the media, based on the State's efforts highlighted in the previous paragraphs. In this context, it also takes note of the information provided by the State on the reduction of municipalities considered information deserts, those in which there is no presence of local media to serve their population⁷⁴³. In addition, the State affirmed its support for a plural ecosystem of vehicles and media, initiatives to think about the financial sustainability of journalism in the new context brought by digital content platforms, as well as improving democratic instruments to combat the spread of disinformation in the digital sphere⁷⁴⁴.

B. Freedom of expression, rule of law and democratic institutionalality

305. The year 2023 was marked by the events of January 8, when demonstrators supporting the former president of the country demonstrated in Brasília, demanding a military intervention for the deposition of the legitimately elected government. During this day, some people violently broke into the facilities of the three branches of government in the country's capital⁷⁴⁵. At least 70 people were injured according to reports from the Ministry of Health. Likewise, according to the Union of Professional Journalists of the Federal District, at least 12 journalists were attacked⁷⁴⁶. The IACHR has repudiated the events as "attacks against democratic institutionalality in Brazil"⁷⁴⁷. Prior to and at the time of the events, content that included calls to the armed forces in reference to a "civil war" was disseminated on social networks and there was a monetized transmission of the events through YouTube⁷⁴⁸. In addition, the Rapporteurship notes that the events of January 8 were preceded by a series of protests following the results of the 2022 elections, especially marches and encampments on roads near barracks and other military institutions with requests for the intervention of the armed forces in the elected government⁷⁴⁹ that would have been subject to restrictions imposed by the Judiciary on various occasions⁷⁵⁰. In this context, the social media accounts of individuals who have engaged in what the Brazilian judicial authorities describe as "anti-democratic speeches" have been suspended⁷⁵¹.

306. In response to the invasion of the seats of power, President Lula decreed federal intervention in the Federal District until January 31 and the Minister of Justice ordered the use of the National Force in the "Esplanada dos Ministerios"⁷⁵². Likewise, Minister Alexandre de Moraes, of the Federal Supreme Court, decided to remove the governor of the Federal District from office for 90 days for his alleged omission in the face of the events⁷⁵³, in addition to ordering the eviction and dissolution within 24 hours of the encampments in the vicinity of barracks throughout the country and the arrest in flagrante delicto of the participants⁷⁵⁴. According to available information, 2,151 people had been arrested in flagrante delicto as of January 9 for their

⁷⁴³ Information sent by the State of Brazil in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 373 from the Permanent Mission of Brazil to the OAS, September 15, 2023. Archive of the Office of the Special Rapporteur.

⁷⁴⁴ Information sent by the State of Brazil in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 373 from the Permanent Mission of Brazil to the OAS, September 15, 2023. Archive of the Office of the Special Rapporteur.

⁷⁴⁵ IACHR, [IACHR Repudiates Attacks on Democratic Institutionalality in Brazil](#), Press Release No. 006/23, January 23, 2023.

⁷⁴⁶ IACHR, [IACHR Repudiates Attacks on Democratic Institutionalality in Brazil](#), Press Release No. 006/23, January 23, 2023.

⁷⁴⁷ IACHR, [IACHR Repudiates Attacks on Democratic Institutionalality in Brazil](#), Press Release No. 006/23, January 23, 2023.

⁷⁴⁸ Terra, [Redes sociais foram essenciais para atos golpistas: entenda como](#), 9 January 2023; Desinformante, [Ataques foram convocados, "com tudo grátis", pelas redes sociais](#), 8 January 2023; Sul 21, [Mesmo após 8 de janeiro anúncios golpistas ainda são veiculados em redes do grupo Meta](#), 12 February 2023; O Globo, [Facebook e Instagram autorizam ao menos 185 anúncios com teor golpista, mostra levantamento](#), 5 February 2023.

⁷⁴⁹ IACHR, Annual Report 2022, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50, March 6, 2023.

⁷⁵⁰ G1, [Alexandre de Moraes cassa decisão que permitia bolsonarista manter bloqueio em BH e determina desobstrução imediata](#), January 7, 2023; Agência Brasil, [Moraes determina desobstrução de via de BH ocupada por manifestantes](#), January 7, 2023.

⁷⁵¹ Exame, [STF: Moraes suspends social networks of three Bolsonaro supporters](#), January 4, 2023; Poder 360, [Moraes suspends social networks of Bolsonaro supporters](#), January 4, 2023.

⁷⁵² CNN, [Criminosos invadem plenário do STF, Congresso Nacional e Palácio do Planalto](#), January 8, 2023; G1, [Terroristas bolsonaristas invadem Congresso Nacional, Palácio do Planalto e STF, em Brasília](#), January 8, 2023.

⁷⁵³ G1, [Moraes decide afastar o governador Ibaneis Rocha, do Distrito Federal, por 90 dias](#), 9 de enero de 2023; STF, [Ministro Alexandre de Moraes afasta Ibaneis Rocha do governo do DF](#), 9 de enero de 2023; Metropoles, [Moraes determina dissolução de acampamentos em QGs pelo Brasil em até 24 horas](#), 9 de enero de 2023.

⁷⁵⁴ G1, [Moraes decide afastar o governador Ibaneis Rocha, do Distrito Federal, por 90 dias](#), 9 de enero de 2023; STF, [Ministro Alexandre de Moraes afasta Ibaneis Rocha do governo do DF](#), 9 de enero de 2023; Metropoles, [Moraes determina dissolução de acampamentos em QGs pelo Brasil em até 24 horas](#), 9 de enero de 2023.

participation in the events and RELE was informed that, with the grants of provisional release, the total number of prisoners so far would amount to 253. The STF also decided that 1,176 people accused of participating in the events⁷⁵⁵. As of August 2023, the Federal Supreme Court decided on the criminal conviction of several people who participated in the acts. While in some cases the Court only convicted for the crime of aggravated damage, in others it decided that it had found evidence of the commission of more serious crimes, such as violent abolition of the rule of law and coup d'état. In these cases, the sentences exceed 13 years imprisonment⁷⁵⁶.

307. Following the events, court orders also reportedly determined the blocking of social network profiles⁷⁵⁷, including the account of a congressman⁷⁵⁸. RELE records the resistance to compliance with blocking orders by some platforms, which led to the establishment of high fines⁷⁵⁹. In addition, a Joint Parliamentary Commission of Inquiry was installed to "investigate the acts of action and omission occurred on January 8, 2023, at the Headquarters of the Three Powers of the Republic, in Brasília" and its final report was published on October 21, 2023⁷⁶⁰.

308. In a press release, the IACHR emphasized that the acts of January 8 "did not occur in isolation, but in a context of deep social tensions, political violence, misinformation, and unfounded questions about the results of the 2022 presidential elections"⁷⁶¹. In 2023, former president Jair Bolsonaro was declared ineligible for alleged abuses of political power, misuse of the media and questioning of the electoral system⁷⁶².

309. In this context, the Rapporteurship learned that on June 27 the Federal Public Prosecutor's Office filed a public civil action requesting that the federal courts order the cancellation of Jovem Pan's broadcasting concession and the payment of compensation of 13.5 million reais. According to what was reported, the Prosecutor's Office argued that Jovem Pan's conduct would violate the Constitution and the public radio and broadcasting service laws due to the alleged "repeated exhibition of disinformation content about the electoral process without substantiation, the defense of the intervention of the Armed Forces on the constituted Powers" and slander against members of the legislative and judicial branches. It is alleged in the action that the public service concession nature of the activity carried out by Jovem Pan would give it special responsibilities. The action awaits a judicial decision.

310. RELE also notes the creation of the Procuradoria Nacional da União de Defesa da Democracia, whose objective is to represent the Union in judicial and extrajudicial cases involving the preservation of democratic institutions and the legitimacy of the three branches of government, as well as alleged misinformation about public policies⁷⁶³.

311. The Rapporteurship believes that the moment the country went through and is going through calls for a deep reflection on the duties to which persons exercising leadership and public function are subject when exercising their freedom of expression, including a special duty to reasonably verify the facts that

⁷⁵⁵ O Globo, [Moraes libera mais 40 presos por atos terroristas de 8 de janeiro](#), 5 May 2023; Metropoles, [Cinco meses após 8/1, 253 pessoas estão presas e mais de mil sentam no banco dos réus](#), 8 June 2023.

⁷⁵⁶ Supremo Tribunal Federal, [STF condena três réus nas primeiras ações penais sobre atos antidemocráticos de 8/1](#), 14 de septiembre de 2023; Supremo Tribunal Federal, [STF condena mais seis envolvidos nos atos antidemocráticos de 8/1](#), 3 de octubre de 2023. STF condena mais três réus envolvidos nos atos antidemocráticos de 8/1, 20 de octubre de 2023; Supremo Tribunal Federal, [Entenda as condenações de réus pelos atos antidemocráticos de 8 de janeiro](#), 25 de octubre de 2023; Supremo Tribunal Federal, [STF condena mais oito réus pelos atos antidemocráticos de 8/1](#), 28 de octubre de 2023; Supremo Tribunal Federal, [STF condena mais cinco réus pelos atos antidemocráticos de 8/1](#), 13 de noviembre de 2023.

⁷⁵⁷ STF, [STF bloqueia novos perfis criados pelo influencer Monark](#), June 14, 2023.

⁷⁵⁸ G1, [Moraes multa Telegram por não bloquear conta do deputado Nikolas Ferreira](#), 25 January 2023; Jota, [Moraes multa Telegram por não bloquear perfil do deputado Nikolas Ferreira](#), 25 January 2023.

⁷⁵⁹ Uol, [Moraes fines Telegram em R\\$ 1.2 milhão por não bloquear Nikolas Ferreira](#), January 25, 2023; Conjur, [Alexandre fines Telegram em R\\$ 1.2 milhão por manter conta de Nikolas Ferreira](#), January 25, 2023.

⁷⁶⁰ Senado Federal, [Comissão Parlamentar Mista de Inquérito dos Atos de 8 de Janeiro de 2023](#).

⁷⁶¹ IACHR, [IACHR Repudiates Attacks on Democratic Institutionalality in Brazil](#), Press Release No. 006/23, January 23, 2023.

⁷⁶² CNN, [Por 5 a 2, TSE torna Jair Bolsonaro inelegível por oito anos](#); Poder 360, [Bolsonaro inelegível: relembre o discurso feito a embaixadores](#), October 31, 2023. TSE decides to apply new ineligibility to former president Jair Bolsonaro; Agência Brasil, [Ministro do TSE condena Bolsonaro à inelegibilidade pela terceira vez](#), November 7, 2023.

⁷⁶³ Gov.br, [Procuradoria Nacional da União de Defesa da Democracia: confira as principais ações do órgão da AGU em três meses de funcionamento](#), August 16, 2023.

underlie their pronouncements⁷⁶⁴ and not to contribute to exacerbate situations of hostility, intolerance or animosity⁷⁶⁵. Faced with acts such as these, RELE recalls that in a democracy "the legitimacy and strength of institutions are rooted and strengthened by the vigor of public debate on their functioning" and the efforts of the State in the name of maintaining public order must be understood as a democratic public order⁷⁶⁶. The restrictions imposed and responsibilities assigned for the exercise of the right to freedom of expression must comply with the principles of legality, legitimate purposes, necessity and proportionality, in accordance with Article 13.2 of the ACHR.

312. Likewise, this Office learned of the possibility of approval of Bill 3283/2021, which seeks to alter the Anti-Terrorism Law (Law 13.260 of 2016). The Rapporteurship observes with concern the Bill for considering "political and ideological" motivations and reasons as terrorist action, as well as the imprecise wording and the possibility of misuse of the term "civil disturbances", which, according to allegations, could result in the criminalization of the activities of civil society organizations and social movements, violating human rights⁷⁶⁷. As of the closing date of this report, its approval by the Chamber of Deputies is pending.

313. During the year, RELE also became aware of a report on the hiring and deployment of Augury spying software by the Brazilian Intelligence Agency (Abin). According to the report, there are suspicions by Abin officials that the tool has been used to monitor politicians, journalists and even ministers of the Federal Supreme Court⁷⁶⁸. This office reminds that the measures of intervention in private communications are only admissible in exceptional cases and if authorized by a judicial authority. Furthermore, they must be subject to the guarantees of proportionality, necessity and legitimate objective. RELE calls on the State to conduct impartial and due diligence investigations into the use of software to monitor key persons in matters of public interest⁷⁶⁹.

314. Moreover, in 2023, the Rapporteurship has been informed about episodes of alleged restriction of academic freedom in Brazil, including the dismissal of a teacher from a private school after a federal deputy disseminated a photo on social networks pointing out her as having "a PT [*Partido dos Trabalhadores*] look," a label that the deputy reportedly based on the T-shirt with a work of art that the teacher was wearing⁷⁷⁰; and the exclusion of a mandatory book for the entrance exam at a private university after the same deputy described it as pornographic⁷⁷¹. On October 30, 2023, two committees of the Chamber of Deputies reportedly held a joint public hearing on the "persecution of teachers in Brazil"⁷⁷². The Rapporteurship emphasizes that academic freedom fulfills an enabling function for the exercise of a series of rights that include the protection of the right to freedom of expression. In this context, the Rapporteurship emphasizes that Article 13.3 of the ACHR states that the right to freedom of expression "may not be restricted by indirect ways or means" which include any "means aimed at impeding the communication and circulation of ideas and opinions".

⁷⁶⁴ I/A Court H.R., Case of Apitz Barbera et al. ("Corte Primera de lo Contencioso Administrativo") v. Venezuela, Preliminary Objections, Merits, Reparations and Costs, Judgment of August 5, 2008, Series C No. 182, para. 131.

⁷⁶⁵ Case of Ríos et al. v. Venezuela, Preliminary Objections, Merits, Reparations and Costs, Judgment of January 28, 2009, Series C No. 194, para. 148.

⁷⁶⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II. IACHR/RELE/INF. 2/09, December 30, 2009, para. 59.

⁷⁶⁷ Terra de Direitos, [Sociedade civil aponta riscos de alteração na Lei de Antiterrorismo](#), April 14, 2023; Conectas Direitos Humanos, [No Senado, organizações alertam para perigos em projeto que amplia definição de terrorismo](#), April 12, 2023.

⁷⁶⁸ The Intercept Brazil, [Hacking de Governo. Abin de Bolsonaro usou programa que pode espionar tudo que você faz na internet, mostram documentos](#), April 19, 2023.

⁷⁶⁹ IACHR, [IACHR, RELE and OHCHR express concern over findings of use of Pegasus software to spy on journalists and civil society organizations in El Salvador](#), Press Release No. 22/22, January 31, 2022; UN and OAS, Joint Declaration on Surveillance Programs, June 21, 2013.

⁷⁷⁰ O Popular, [Associação Nacional de História repudia demissão de professora após repercussão de frase em camiseta entre bolsonaristas](#), May 7, 2023; Correio Braziliense, [Professora é demitida após crítica de deputado por uso de camiseta com frase de Hélio Oiticica](#), May 10, 2023.

⁷⁷¹ Academia Brasileira de Letras, [ABL protests against censorship](#), May 1, 2023; O Globo, [ABL repudia censura a livro de Marçal Aquino em vestibular](#), May 2, 2023.

⁷⁷² Chamber of Deputies, [Comissões debatem nesta segunda-feira perseguição ideológica a professores em salas de aula](#), October 30, 2023.

315. In 2023, this Office also continued to register complaints about restrictions on freedom of artistic expression, such as the entry in an exhibition at a public foundation in Uberaba, Minas Gerais, by a councilman who ordered the removal of photos with naked people, followed by an order from the mayor's office for the removal of the photographs⁷⁷³; the cancellation of a singer's concert at a public festival as alleged retaliation for speeches by the singer allegedly linking divinities with trans people⁷⁷⁴; the removal of a work of art in an exhibition in a federal public museum after federal deputies complained about the presence of a work portraying some politicians, including the current Speaker of the House, in a trash can⁷⁷⁵; and the imposition of the removal of some artwork portraying politicians as a condition for the installation of an exhibition in a public museum in Rio Grande do Sul⁷⁷⁶.

316. The Rapporteurship recalls that the right to freedom of expression encompasses artistic and cultural expressions and that all creative potential in the arts depends, fundamentally, on respecting and promoting the right to freedom of expression in all its dimensions⁷⁷⁷. At the same time, this Office also learned of the decision of the Court of Justice of the State of São Paulo that took off the air a YouTube video of comedian Léo Lins that made reference to slavery, religious persecution, minorities, the elderly and people with disabilities. According to the decision, the comedian at various times made "hateful, prejudiced and discriminatory comments against minorities and vulnerable groups", so it also determined the prohibition to publish similar content in the future⁷⁷⁸. However, in September, a Minister of the Federal Supreme Court suspended this decision on the grounds that it imposed prior censorship⁷⁷⁹. RELE recorded that this case, pending final judicial decision, awakened an intense debate in Brazil on the democratic limits to humor as a manifestation of freedom of expression and therefore accentuates the need to incorporate international standards on the matter.

317. Finally, the Rapporteurship welcomes the signing of the decree regulating the Access to Information Law (LAI) (Decree No. 11,527 of May 16, 2023), which amends some provisions of Decree No. 7,724 of May 16, 2012. The new decree came in compliance with the Presidential Order of January 1, 2023, which also determined the adoption of measures to review acts that imposed undue secrecy on publicly available documents related to the implementation of the LAI throughout the previous government⁷⁸⁰. The State also reported the creation of a system of Integrity, Transparency and Access to Information and Transparency Policy and Access to Federal Public Administration by Decree n 11,529 of May 16, 2023⁷⁸¹.

C. Freedom of expression and the fight against discrimination and exclusion

318. During 2023, the Rapporteurship has monitored challenges to the exercise of the right to freedom of expression by LGBTI+ persons, as well as stigmatization of the LGBTI+ community. RELE observes with concern the processing of bills that seek to restrict the participation of children in LGBTI+ pride marches and demonstrations. The Rapporteurship observed the presentation of this bill before the National Congress⁷⁸²

⁷⁷³ G1, [Artista tem foto de nudez retirada de exposição e fala em ato de censura da Câmara Municipal e da Prefeitura de Uberaba](#), 7 de junho de 2023; O Tempo, [Vídeo: vereador invade exposição e força retirada de arte com nudez em Uberaba](#), 7 de junho de 2023.

⁷⁷⁴ Observatorio de la Censura, [Obras censuradas](#), September 25, 2023; G1, [Johnny Hooker tem show cancelado por prefeito de Boa Vista após ter dito que Jesus é 'travesti' | Roraima](#), September 15, 2023.

⁷⁷⁵ Observatorio de la Censura, [Obras censuradas](#), October 24, 2023; CNN, [Caixa suspende exposição que fazia crítica a Arthur Lira](#), October 23, 2023.

⁷⁷⁶ Observatorio de la Censura, [Obras censuradas](#), July 20, 2023; Matinal, [Exposição de André Parente cancelada no MACRS: artista e curadores alegam censura - Juremir Machado da Silva](#) 30 de outubro de 2023.

⁷⁷⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II. IACHR/RELE/INF. 2/09, December 30, 2009, para. 7.

⁷⁷⁸ Migalhas. May 17, 2023. [Justiça retira show de Leo Lins do YouTube por piadas com minorias](#). G1. May 17, 2023. [Justiça retira do YouTube stand-up de Léo Lins com piadas sobre escravidão, idosos e pessoas com deficiência](#).

⁷⁷⁹ STF, [STF cassa decisão que retirava show do humorista Léo Lins do ar](#), September 29, 2023.

⁷⁸⁰ Information sent by the State of Brazil in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 373 from the Permanent Mission of Brazil to the OAS, September 15, 2023. Archive of the Office of the Special Rapporteur.

⁷⁸¹ Information sent by the State of Brazil in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 373 from the Permanent Mission of Brazil to the OAS, September 15, 2023. Archive of the Office of the Special Rapporteur.

⁷⁸² Chamber of Deputies, [PL 541/2023](#), November 8, 2023.

, in a context in which, according to available information, in at least Brazilian municipalities the bills would have been approved⁷⁸³. RELE recalls that "they are direct and active holders of the right to freedom of expression"⁷⁸⁴ and the right to freedom of expression protects the right to protest, which may occur to affirm the identity of groups historically discriminated against⁷⁸⁵. Although Article 13.4 of the ACHR establishes that "public spectacles may be subject by law to prior censorship for the exclusive purpose of regulating access to them for the moral protection of children and adolescents," it would only authorize strictly proportional restrictions⁷⁸⁶ and in the hypotheses for which it is intended, as well as considering that speeches that express essential elements of personal identity or dignity enjoy special protection under the American Convention⁷⁸⁷.

319. The Rapporteurship also notes with concern that the car of trans woman journalist Alana Rocha, of *Rádio Gazeta FM*, was stoned⁷⁸⁸; and journalist Sara York, of *sítio 247*, also a trans woman, was assaulted by a municipal officer in the city of São Pedro da Aldeia, Rio de Janeiro, and was prohibited from continuing her work while covering festive activities during Carnival⁷⁸⁹. This comes amidst allegations of stigmatizing discourse by public authorities against LGBTI+ people. For example, on International Women's Day, a deputy put on a wig in the plenary of the Chamber and said "Today, International Women's Day, the left said that I could not speak, because I was not in my place of speech. So, I solved this problem here. Today I feel like a woman. Congresswoman Nikole." Likewise, RELE observed with concern stigmatizing speeches against trans children made on more than one occasion, both by federal deputies⁷⁹⁰, as well as by state deputies⁷⁹¹, the rights of trans children and adolescents were even the subject of a public hearing at the IACHR in its 188th session⁷⁹².

320. The Rapporteurship highlights that discrimination and inequality result in the exclusion of certain voices from the democratic process, damaging the values of pluralism and diversity of information⁷⁹³. The Rapporteurship stresses that political leaders and individuals in public office should not make statements that may promote intolerance, discrimination or misinformation and, instead, should take advantage of their leadership positions to counteract these harms to the exercise of rights and promote intercultural understanding and respect for diversity. Political parties should also take steps to counter these phenomena as part of their commitment to democratic values and the human rights of all people⁷⁹⁴.

321. The State informed RELE about legal initiatives that it considers contribute to guarantee the right to freedom of expression and intensify the "fight against discrimination and exclusion".⁷⁹⁵ The State informed about the approval of laws that elevate the crime of racial insult as a crime of racism, considered imprescriptible in the Brazilian legal system. The approved legislation also adds specific penalties for particular

⁷⁸³ UOL, [Lei que veta crianças em parada LGBTQI+ é aprovada em João](#), November 8, 2023; O Tempo, [Câmara derruba veto ao PL que proíbe presença de crianças na Parada Gay em Betim](#), September 12, 2023.

⁷⁸⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression. Children, freedom of expression and media in the Americas, OEA/Ser.L/V/II IACHR/RELE/INF.23/19, February 2019, para. 16.

⁷⁸⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression. Children, freedom of expression and media in the Americas, OEA/Ser.L/V/II IACHR/RELE/INF.23/19, February 2019.

⁷⁸⁶ IACHR. RELE. Children, freedom of expression and the media. OEA/Ser.L/V/II. CIDH/RELE/INF.23/19. February 2019, para. 52.

⁷⁸⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 53.

⁷⁸⁸ ABRAJI, [Abraji repudia ataques transfóbicos a jornalistas](#), 27 February 2023; Forum, [VIDEO: Jornalista trans tem carro destruído após ataque na Bahia](#), 16 April 2023.

⁷⁸⁹ *247*, [Sara York é agredida por seguranças do prefeito de São Pedro da Aldeia \(RJ\) no Carnaval](#), February 20, 2023; ABRAJI, [Abraji repudia ataques transfóbicos a jornalistas](#), February 27, 2023.

⁷⁹⁰ G1, [Em bate-boca, deputados de ultradireita gritaram que 'crianças trans não existem'](#), 5 September 2023; Metrôpoles, [Câmara: votação sobre união homoafetiva vira coro contra criança trans](#), 5 September 2023.

⁷⁹¹ Terra, [CPI de Transição de Gênero na Alesp tem bate-boca e deputado compara criança trans a 'gato vegano'](#), 14 June 2023; Metrôpoles, [CPI na Alesp tem bate-boca e comparação de criança trans com "gato vegano"](#), 14 June 2023.

⁷⁹² IACHR, 188th Period of Sessions, [Brazil: Proteção dos direitos humanos de crianças e adolescentes trans](#), November 9, 2023.

⁷⁹³ IACHR, Violence against LGBTI persons, OAS/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015, para. 219.

⁷⁹⁴ UN, OSCE, OAS, ACHPR, Joint Declaration 2021 on Political Leaders, Public Officials and Freedom of Expression, October 20, 2021.

⁷⁹⁵ Information sent by the State of Brazil in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 373 from the Permanent Mission of Brazil to the OAS, September 15, 2023. Archive of the Office of the Special Rapporteur.

cases of racial insult, such as those committed by persons in the exercise of public function or those linked to the phenomenon of "religious racism", which would especially affect people who practice religions of African/Afro-Brazilian matrix in Brazil⁷⁹⁶. The State also pointed out that, as decided by the Federal Supreme Court, there is currently a legislative omission of the National Congress to implement the mandates of criminalization of "homophobic" and "transphobic" conducts. The State recalled that, by order of the same court, such behaviors can be included in the existing legislation on combating racism⁷⁹⁷. RELE notes that, consequently, they would also be imprescriptible crimes⁷⁹⁸.

322. However, the Rapporteurship recalls that, as stated by the IACHR and its RELE, to "effectively combat hate speech requires a comprehensive and sustained approach that goes beyond legal punitive measures", since, above all, it requires measures that target "the cultural root of systematic discrimination, and as such, can be valuable instruments"⁷⁹⁹. Therefore, the Rapporteurship welcomes the position of the Minister of Human Rights and Citizenship who defended the need to combat extremism and hate speech as a state policy, emphasizing educational and proactive action rather than punitive actions⁸⁰⁰. This Office encourages the State to continue working on the development of positive measures to reduce speeches that encourage or are permissive to hate, especially authorities and public figures, as well as educational measures. In July 2023, a Working Group instituted by the Ministry of Human Rights and Citizenship published its Report of Recommendations for Confronting Hate Speech in Brazil, focusing, among others, on measures such as human rights education, media literacy, community journalism, and good practices for journalists and communicators⁸⁰¹.

323. At the same time, RELE also notes that the Federal Supreme Court declared unconstitutional a law of the State of Rondônia that prohibits the so-called neutral language in educational institutions⁸⁰². Within the framework of non-punitive measures to promote greater inclusion, RELE also notes the approval of Law No. 14.519, of January 4, 2023, which establishes the National Day of African Roots Traditions and Candomblé Nations⁸⁰³.

324. Finally, this Rapporteurship expresses its concern about the complaint for alleged incitement to crime against journalists of Portal Catarinas after publishing a call for proposals to finance communication and information initiatives on women's rights. The complaint was subsequently filed⁸⁰⁴. Throughout the year, journalists from the same media outlet denounced the lack of conditions for the proper exercise of their work, including threats to the confidentiality of their sources⁸⁰⁵.

D. Freedom of expression and the Internet

325. In 2023, the debates about the regulation of platforms in the country assumed centrality in the three spheres of power and in society, having been framed in a context of polarization and social tension.

⁷⁹⁶ Brazil, [Law 14.532 of January 11, 2023](#).

⁷⁹⁷ Information sent by the State of Brazil in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 373 from the Permanent Mission of Brazil to the OAS, September 15, 2023. Archive of the Office of the Special Rapporteur.

⁷⁹⁸ SRF, [STF equipara ofensas contra pessoas LGBTQIAPN+ a crime de injúria racial](#), 22 August 2023.

⁷⁹⁹ IACHR, Violence against LGBTI persons, OAS/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015, para. 248.

⁸⁰⁰ MSN, [Ministro dos Direitos Humanos combate discurso de ódio](#), March 7, 2023.

⁸⁰¹ Ministerio de Derechos Humanos y la Ciudadanía, [MDHC entrega relatório com propostas para enfrentar o discurso de ódio e o extremismo no Brasil](#), July 3, 2023.

⁸⁰² Supremo Tribunal Federal, [STF entende que proibição de linguagem neutra em Rondônia invade competência da União sobre educação](#), February 10, 2023; G1, [STF conclui julgamento e derruba lei estadual que proíbe linguagem neutra em escolas](#), February 11, 2023.

⁸⁰³ Information sent by the State of Brazil in response to RELE's request for information in the framework of the preparation of the Annual Report, Note N. 373 from the Permanent Mission of Brazil to the OAS, September 15, 2023. Archive of the Office of the Special Rapporteur.

⁸⁰⁴ Catarinas, [Portal Catarinas é denunciado por incitação ao aborto e investigação é arquivada](#), 3 August 2023; Agência Patrícia Galvão, [Portal Catarinas é denunciado por incitação ao aborto e investigação é arquivada](#), 3 August 2023.

⁸⁰⁵ Portal Catarinas, [ONU pede providências contra intimidação das jornalistas que cobriram caso da menina de Santa Catarina](#), 29 June 2023; The Intercept, [Polícia indícia advogadas da menina de SC que conseguiu aborto após estupro](#), 20 June 2023.

The Rapporteurship recorded the holding of public hearings at the Federal Supreme Court in the context of legal actions that may impact the interpretation and application of the rules currently in force in Brazil, which establishes the omission of the company under a court order of removal of content as a legal requirement for the application of liability⁸⁰⁶. RELE also notes the existence of legislative debates to regulate the use of artificial intelligence, with proposals based on the risk classification of different systems, the establishment of a competent authority for supervision, as well as the possibility of requesting explanations for human intervention⁸⁰⁷. In addition, RELE is following the debate on the remuneration of journalistic content on social networks and copyright⁸⁰⁸. Also, in the middle of the year, there was a public consultation on regulation of digital platforms launched by the Brazilian Internet Steering Committee whose purpose was to contribute to the construction of a regulatory framework on the subject in the country⁸⁰⁹. The Rapporteurship calls on the Brazilian authorities to conduct broad debate and consultation processes with multiple stakeholders, to compile best practices on the subject and to observe international human rights commitments and best practices by the Brazilian State.

326. This office has been monitoring with particular attention the continuity of the discussions regarding bill 2630/20, which aims to institute the Brazilian Law of Freedom, Responsibility and Transparency on the Internet. Within the framework of the political negotiations surrounding the text, different versions of the bill were presented, including suggestions of proposals sent by the federal government⁸¹⁰ and the Superior Electoral Court⁸¹¹. At the closing date of this report, the Bill was still being processed in the Chamber of Deputies. The version of the text submitted on April 27 to the Chamber of Deputies provides for obligations to public officials regarding transparency of advertising, refraining from hiring advertising on sites that promote illegal speeches and refraining from limiting the display of their publications on social networks. Regarding obligations to companies, the text establishes that suppliers are jointly and severally liable in case they have breached duty of care obligations. In addition, it includes a provision that obliges suppliers to act with diligence to prevent and mitigate unlawful practices⁸¹².

327. In this context, the Rapporteurship observed reports that some platforms have contributed to disseminate content and campaigns against the approval of the Bill, with reports that include the prioritization of content contrary to the bill in search tools, promotion of advertisements and mass mailing of messages⁸¹³. The State informed RELE that this could constitute an abuse of economic power on the eve of the vote on the bill by attempting to impact public opinion and the vote of parliamentarians⁸¹⁴. It was reported to this office that the Federal Supreme Court, the National Consumer Secretary and the Federal Prosecutor's Office of São Paulo (Ministério Público Federal de São Paulo) took action against the aforementioned practices of the

⁸⁰⁶ Supremo Tribunal Federal, [STF inicia hoje \(28\) audiência pública que discute regras do Marco Civil da Internet](#), 28 March 2023; Supremo Tribunal Federal, [Tema 987. Discussão sobre a constitucionalidade do art. 19 da Lei n. 12.965/2014 \(Marco Civil da Internet\) que determina a necessidade de prévia e específica ordem judicial de exclusão de conteúdo para a responsabilização civil de provedor de internet, websites e gestores de aplicativos de redes sociais por danos decorrentes de atos ilícitos praticados por terceiros](#); Supremo Tribunal Federal, [Tema 533. The duty of the company hosting an internet site to monitor the content published and to remove it from the site when it is considered offensive, without the intervention of the Judiciary](#).

⁸⁰⁷ Jota, May 5, 2023, [Além do ChatGPT: proposta de regulação de AI no Brasil é apresentada no Senado](#); Senado, [Marco legal para Inteligência Artificial é apresentado por Pacheco](#), May 8, 2023.

⁸⁰⁸ Agência Brasil, [Entenda projeto que pode remunerar o jornalismo em plataformas](#), August 15, 2023; Coalizão de Direitos na Rede, [PL 2370/2019: Novo projeto, novas preocupações para direitos digitais](#), August 9, 2023.

⁸⁰⁹ Diálogos CGI.br, [Consulta sobre regulação de plataformas digitais](#); Cgi.br, [Consulta do CGI.br sobre regulação de plataformas digitais reúne mais de 1.3 mil contribuições](#), August 3, 2023.

⁸¹⁰ Desinformante, [Veja ponto a ponto das propostas do governo federal para regulação de plataformas](#), March 31, 2023. Telesíntese. [A proposta do governo para moderação nas plataformas digitais ponto a ponto](#), 31 de março de 2023.

⁸¹¹ Tribunal Superior Eleitoral, [Presidente do TSE entrega à Câmara e ao Senado propostas para o projeto de regulação das plataformas digitais](#), April 25, 2023.

⁸¹² Câmara dos Deputados, [Projeto de Lei 2630/20](#).

⁸¹³ NetLab, [A GUERRA DAS PLATAFORMAS CONTRA O PL 2630](#), April 2023; O Globo, [Google gastou R\\$ 837 mil em anúncio para atacar PL das Fake News, admitem plataformas ao STF](#), May 31, 2023; Uol, [Telegram manda mensagem em massa ligando PL das Fake News à censura](#), May 9, 2023. Jota, [Telegram ataca PL das Fake News em mensagem enviada a usuários](#), May 9, 2023; Gov.br, [Senacon asks for explanations to Telegram about message against PL das Fake News](#), 10 May 2023. Núcleo jor, [SECRETARIA NACIONAL DO CONSUMIDOR NOTIFICA TELEGRAM POR MENSAGEM SOBRE PL 2630](#), 9 May 2023.

⁸¹⁴ Information sent by the State of Brazil in response to RELE's request for information in the framework of the preparation of the Annual Report, Note N. 373 from the Permanent Mission of Brazil to the OAS, September 15, 2023. Archive of the Office of the Special Rapporteur.

platforms, considering possible abuse of power⁸¹⁵. In particular, orders of the Federal Supreme Court have determined that some platforms exclude advertisements and messages, detailed reports on the advertisements made and the amounts invested, in addition to pointing out and explaining the methods and algorithms⁸¹⁶.

328. This office warns that the recommendation or prioritization of content on digital platforms without the participation or interference of the user and the display of paid content without clearly indicating to the user that it is sponsored content implies an illegitimate and unjustified intervention in access to information and public debate. The Rapporteurship recalls the recommendation to States to establish effective rules and systems to remedy undue concentration of ownership and practices that represent an abuse of the dominant position of companies that provide digital communication services⁸¹⁷.

329. In turn, the Rapporteurship takes note of actions that the State has reportedly taken to counter violent extremism practices. For example, to prevent the dissemination of violent extremist content in the context of armed attacks with deaths that occurred in Brazilian schools at the beginning of the year⁸¹⁸, the Ministry of Justice and Public Security adopted a directive that provides for the adoption of administrative measures to prevent the dissemination of such violent and harmful content and that, among others, would assign the National Secretariat of Public Security to create databases of illegal content and would determine the exchange, between social networking platforms and the competent authorities, of data that allow the identification of users⁸¹⁹. At the same time, the Rapporteurship learned that, in April 2023, a court order determined the suspension of the Telegram application throughout the country while the platform did not comply with a determination of the same judge to provide the phone numbers of the administrators and members of a group with alleged anti-Semitic content⁸²⁰. RELE emphasizes that, even when pursuing legitimate objectives, any restriction on freedom of expression must be subject to a strict proportionality judgment and be carefully designed and clearly limited so that it does not reach legitimate speech that deserves protection⁸²¹.

330. Still in the Brazilian post-electoral context, Meta's Oversight Board understood that it was a mistake to keep on the air a video in which a Brazilian general and supporter of Lula's electoral opponent, in which he called on people to "take to the streets" and "go to the National Congress and the Supreme Court" and says: "Come to Brasília! Let's storm it! Let's besiege the three powers". A sequence of images follows the general's speech, including one of a fire in the Three Powers Square in Brasília⁸²². The Rapporteurship recalls that while the right to freedom of expression is presumed to encompass all forms of expression, international law excludes from its scope of coverage incitement to violence which includes incitement to the disruption of public order or national security. In addition, it is recalled that political leaders and persons exercising public functions should not make statements that may promote intolerance or disinformation⁸²³. The Rapporteurship did not register, and regrets, that political leaders whose ideals would be favored by inflammatory messages that clearly encouraged violence had not disavowed the use of this type of content in the name of their ideas,

⁸¹⁵ Jota, [MPF-SP questiona Google e Meta sobre campanha contra o PL das Fake News](#), May 2, 2023; UoL, [Senacon manda Google sinalizar texto sobre PL das Fake News como propaganda e impõe multa milionária](#), May 2, 2023; Supremo Tribunal Federal, [STF determina remoção de anúncios com ataques ao PL das Fake News](#), May 2, 2023.

⁸¹⁶ Supremo Tribunal Federal, [STF determina remoção de anúncios com ataques ao PL das Fake News](#), 2 May 2023; G1, [Moraes manda Telegram apagar mensagem contra PL das Fake News sob pena de suspender app](#), 10 May 2023; Tecnoblog, [Ministro Alexandre de Moraes ordena que Telegram delete mensagem contra PL das Fake News](#), 10 May 2023.

⁸¹⁷ UN, OSCE, OAS, ACHPR, 20th Anniversary Joint Declaration: challenges for freedom of expression in the next decade, 2019.

⁸¹⁸ G1, [A idolatria a autores de ataques a escolas que circula livremente em redes sociais](#), April 6, 2023; It Forum, [As redes sociais e os ataques a escolas](#), April 10, 2023; Folha de S. Paulo, [X apoia massacres](#), April 12, 2023.

⁸¹⁹ Gov.br, [PORTARIA DO MINISTRO Nº 351/2023](#), 12 June 2023.

⁸²⁰ G1, [Telegram não entrega dados completos à PF sobre neonazistas, e Justiça determina suspensão da plataforma no país](#), 26 April 2023; Tecnoblog, [Justiça manda suspender Telegram por não entregar dados à Polícia Federal](#), 26 April 2023.

⁸²¹ IACHR, Annual Report 2013, Report of the Office of the Special Rapporteur for Freedom of Expression, Chap. IV, OEA/Ser.L/V/II.149. Doc. 50, December 31, 2013, para 85.

⁸²² Oversight Board, [Oversight Board overturns Meta's original decision in "Brazilian general's speech" case](#), June 2023; Terra, ['STF do Facebook' afirma que empresa errou ao não tirar do ar vídeo em que general contesta eleição](#), June 22, 2023.

⁸²³ UN, OSCE, OAS, ACHPR, Joint Declaration on Political Leaders, Public Officials and Freedom of Expression, October 20, 2021, October 20, 2021.

nor had they explicitly distanced themselves from the calls for violence and the use of military power that took place for many weeks before January 8, 2023.

331. In the Internet policy scenario, the Rapporteurship records the approval on January 11 of Law 14.533/2023, which introduces the National Digital Education Policy. According to the text of the law, it establishes the investment in connectivity infrastructure actions for educational purposes, in addition to stimulating digital and information literacy, computer and programming learning and respect for digital rights. According to the information, the policies will be financed by the Fund for the Universalization of Telecommunications Services (Fust) and by the Fund for the Technological Development of Telecommunications (Funtell)⁸²⁴.

332. Finally, the State reported the creation of a Secretariat for Digital Policies (SPDIGI), which is responsible for formulating and implementing public policies to promote freedom of expression, access to information and combat disinformation and hate speech on the Internet, in addition to supporting protection measures for victims of rights violations in digital communication services⁸²⁵.

⁸²⁴ Presidência da República, [LEI Nº 14.533, DE 11 DE JANEIRO DE 2023](#), January 11, 2023.

⁸²⁵ Information sent by the State of Brazil in response to RELE's request for information in the framework of the preparation of the Annual Report, No. 373, Permanent Mission of Brazil to the OAS, September 15, 2023. Archive of the Office of the Special Rapporteur.

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333. In 2023, the Office of the Special Rapporteur received reports indicating that multiple journalists and media outlets were hindered in their work by access restrictions. This Office is concerned that there have been intimidations against journalists attributed to both State agents and private individuals. In addition, this Office was informed of events that would indicate a crisis in the sustainability of local journalism, such as a large number of staff cuts, the elimination of local printed newspapers and the definitive closure of several media outlets. In the area of freedom of expression, rule of law and democratic institutions, RELE learned that the report of a special commission had been submitted to determine whether the threshold necessary to invoke the *Emergencies Act* in early 2022 had been met due to the protests triggered by the vaccination mandates and other restrictions imposed by COVID-19. During the course of the year, the Rapporteurship also became aware of alleged deficiencies in compliance with the right of access to information and the alleged lack of a code for the national police service on how to respect journalistic work in the context of protests. Likewise, RELE was informed of requests to facilitate the concentration of media and content, as well as to examine editorial decisions of independent public media. With respect to freedom of expression and the fight against discrimination and exclusion, this Office received reports of protests in academic institutions. Additionally, the Office was informed of an increase in the number of attacks against the LGBTI population and Jewish and Muslim communities. Finally, the Office of the Special Rapporteur followed up on legislative initiatives that may impact freedom of expression and press freedom on the Internet, in particular the Online Streaming Act (Act C-11) and the Online News Act (Act C-18).

A. Journalism and democracy

334. According to the *Canada Press Freedom Project*, as of the closing date of this annual report, there have been at least 11 denials of access to reporters, four intimidating statements against the press, one physical attack against a journalist and more than 50 online threats against media workers.⁸²⁶

335. In 2023, the Office of the Special Rapporteur received reports of instances in which journalists were denied access to multiple spaces in which to do their journalistic work. In February, during a press conference at Edmonton police headquarters, RELE learned that city police officers allegedly told Duncan Kinney, editor of *The Progress Report*, that he could not ask questions and would be asked to leave if he "created a scene;" and, according to the editor, an officer allegedly touched him in an intimidating manner with his sidearm.⁸²⁷

336. In March, the Rapporteurship received reports that journalist Ethan Cox, of *Ricochet Media*, was reportedly grabbed and dragged by a Montreal police officer [*Service de police de la Ville de Montréal (SPVM)*] while being denied access to a designated media area near a building fire in the Old Port neighborhood, allegedly threatening him with an arrest warrant; the officer reportedly asked for his press credentials, which do not exist in Canada and are not required for any type of coverage.⁸²⁸

337. In April, this Office learned of a decision by the Vancouver police to deny access to journalists covering the eviction of homeless people in an encampment between Hastings St. and Main St. on the 5th and 6th of the month in question; according to the authorities, access would have been limited "to ensure the safety and privacy of the people inside the encampment."⁸²⁹ The city police would have only let in one camera from a

⁸²⁶ Canada Press Freedom Project, [2023 Incidents](#), November 11, 2023.

⁸²⁷ X account of The Progress Report (@ProgressAlberta), [Feb. 1, 2023](#); Canada Press Freedom Project, [EDMONTON POLICE SERVICE REFUSES TO ANSWER QUESTIONS AT PRESS CONFERENCE](#), Feb. 1, 2023; The Progress Report, [I was intimidated by the Edmonton Police Service at a press conference](#), Feb. 4, 2023.

⁸²⁸ Ethan Cox's X account (@EthanCoxMtl), [March 21, 2023](#); Canada Press Freedom Project, [SPVM DENIES ACCESS TO RICOCHET JOURNALIST. PHYSICALLY ATTEMPTS TO REMOVE](#), March 21, 2023.

⁸²⁹ Vancouver Police X account (@VancouverPD), [April 5, 2023](#); Canada Press Freedom Project, [VANCOUVER POLICE DENY ACCESS TO VANCOUVER SUN JOURNALIST DURING ENCAMPMENT EVICTION](#), April 5, 2023.

previously selected media outlet, which would not be covered by any regulation and would be arbitrary, just like restricting the movement of journalists in a public place to cover a development of general interest.⁸³⁰

338. In late August, this Office received a letter signed by civil society groups to the leadership of the *Conservative Party of Canada (CCP)* for denying credentials and subsequent press access to the online media outlet *The Breach* to the party's annual convention in Quebec City, scheduled for September 16.⁸³¹ This was allegedly in retaliation for their reporting critical of the *CCP* leader.⁸³² In their letter, these organizations stated that "Canadian political parties should not be in the business of determining who is or is not a journalist."⁸³³ They also asserted that all Canadians "have a legitimate interest in accessing information about the policies and leadership activities of the Convergence Party" and urged the party to reverse its decision.⁸³⁴

339. However, the Special Rapporteur was alerted that the online media outlet *The Breach* was not the only one to be denied accreditation to cover the Conservative Party of Canada's annual convention, apparently without explanation. Independent media outlets *The Pivot*,⁸³⁵ journalist Natasha Bukowski of *Canada's National Observer*,⁸³⁶ reporter Denio Lourenço of *Xtra*,⁸³⁷ and Nora Loreto of *The Maple* and *The Real News Network* were also reportedly excluded.⁸³⁸ Several of these media outlets were reportedly notified that, in order to attend the party's annual convention, they could attend as observers for a payment of 1,700 Canadian dollars.⁸³⁹ Some of the reporters in question alleged that they had to wait outside the convention venue to interview party members, although the assistants of some parliamentarians reportedly kept the journalists away from potential interviewees.⁸⁴⁰ Also, security guards reportedly asked at least one reporter to leave, allegedly threatening her that she would "go to jail" if she continued interviewing party delegates.⁸⁴¹

340. This Office recalls that at press conferences, political leaders and public officials should treat participants with respect and ensure that they have an equal opportunity to ask questions.⁸⁴² Likewise, the Rapporteurship recalls that journalists should not be required to be licensed or registered, so there should be no legal restrictions on who can practice journalism.⁸⁴³ In relation to journalists and cameramen who are carrying out their work in the context of a public demonstration, they should not be harassed, detained, transferred or suffer any other limitation to their rights because they are exercising their profession.⁸⁴⁴

⁸³⁰ Global News, [Press freedom advocates slam media restrictions in Vancouver tent removal](#), April 6, 2023; Canada Press Freedom Project, [VANCOUVER POLICE DENY ACCESS TO VANCOUVER SUN JOURNALIST DURING ENCAMPMENT EVICTION](#), April 6, 2023.

⁸³¹ Canadian Association of Journalists, [Political parties should not be in the business of deciding who is \(or is not\) a journalist: press freedom groups](#), August 31, 2023.

⁸³² *The Breach*, [Conservative Party bars The Breach from reporting on convention](#), August 31, 2023.

⁸³³ Canadian Association of Journalists, [Political parties should not be in the business of deciding who is \(or is not\) a journalist: press freedom groups](#), August 31, 2023.

⁸³⁴ Canadian Association of Journalists, [Political parties should not be in the business of deciding who is \(or is not\) a journalist: press freedom groups](#), August 31, 2023.

⁸³⁵ Canada Press Freedom Project, [Conservative Party Denies Convention Accreditation to Pivot](#), August 16, 2023; Project Pivot, [Les conservateurs restreignent l'accès des médias à leur congrès](#), September 7, 2023.

⁸³⁶ Canada Press Freedom Project, [CONSERVATIVE PARTY DENIES CONVENTION ACCREDITATION TO CANADA'S NATIONAL OBSERVER](#), September 1, 2023; Canada's National Observer, [Environment minister calls Pierre Poilievre 'easy to attack' on environmental record outside Tory convention](#), September 8, 2023.

⁸³⁷ Canada Press Freedom Project, [CONSERVATIVE PARTY DENIES CONVENTION ACCREDITATION TO XTRA](#), September 7, 2023.

⁸³⁸ Canada Press Freedom Project, [CONSERVATIVE PARTY DENIES CONVENTION ACCREDITATION TO JOURNALIST](#), September 7, 2023.

⁸³⁹ *Le Devoir*, [Accès refusé à certains médias au congrès du Parti conservateur fédéral](#); September 6, 2023; Canada's National Observer, [Environment minister calls Pierre Poilievre 'easy to attack' on environmental record outside Tory convention](#), September 8, 2023.

⁸⁴⁰ Canada Press Freedom Project, [CONSERVATIVE PARTY DENIES CONVENTION ACCREDITATION TO JOURNALIST](#), September 7, 2023.

⁸⁴¹ Canada Press Freedom Project, [CONSERVATIVE PARTY DENIES CONVENTION ACCREDITATION TO JOURNALIST](#), September 7, 2023.

⁸⁴² OAS, UN, OSCE, ACHPR, Joint Declaration on Political Leaders, Public Officials and Freedom of Expression, 2021.

⁸⁴³ OAS, UN, OSCE, Joint Declaration on Media Regulation, Restrictions on Journalists and Investigation of Corruption, 2003.

⁸⁴⁴ IACHR, Annual Report 2005, Report of the Office of the Special Rapporteur for Freedom of Expression, Chapter V: Public Demonstrations as an Exercise of Freedom of Expression and Freedom of Assembly, para. 101.

341. With respect to intimidating statements and acts, this Office received reports that in July, a police officer allegedly sent an email to investigative journalist Kenneth Jackson of *APTN* threatening to send him to jail for a beating; the email was sent a day after Jackson released images showing another police officer repeatedly beating a Métis man with an intellectual disability in a jail cell.⁸⁴⁵

342. This Office also received reports suggesting that in August, members of the Royal *Canadian Mounted Police (RCMP)* reportedly threatened to arrest *Ricochet* journalist Brandi Morin while she was covering a police raid on a camp south of Vancouver Island in which protesters were also reportedly being arrested.⁸⁴⁶ According to available information, the authorities have reportedly created a media exclusion zone, with no legal basis according to past court rulings.⁸⁴⁷

343. Additionally, RELE learned that in September, journalist Rachel Gilmore was reportedly photographed and videotaped while walking on a sidewalk in Ottawa; this audiovisual content was immediately shared on social media groups of suspected members of extremist groups.⁸⁴⁸ According to a public complaint, Gilmore's real-time location was also reportedly shared on social media, an intimidating practice known as *doxing*.⁸⁴⁹ The Special Rapporteurship received with concern these new allegations from Gilmore since the journalist had already been the victim of online threats and harassment in 2022, as reported by this Office in its last annual report.⁸⁵⁰

344. Finally, this Office was alerted to restrictions on professional photographer John Morris in the capital of Quebec. According to available information, Morris was reportedly arrested and fined while taking photos of a tourist attraction; police officers reportedly approached him to ask for his identity and demand that he leave after receiving a 911 call, to which Morris reportedly refused without first knowing the crime he was allegedly committing, in this case "loitering."⁸⁵¹

345. This Office reiterates that the safety of journalists and media workers is a prerequisite for the exercise of the right to freedom of expression and freedom of the press.⁸⁵² Therefore, it is necessary that the highest levels of the State reject and condemn attacks against journalists and at the same time recognize the importance of the role of journalists in democratic societies.⁸⁵³ Furthermore, a public discourse is required that, in addition to recognizing the importance of the work of women journalists for democratic societies, unequivocally condemns the special risks they face in the exercise of freedom of expression, and gender is one of the most effective preventive measures.⁸⁵⁴

⁸⁴⁵ Canada Press Freedom Project, [RAMA FIRST NATION POLICE OFFICER INVESTIGATED OVER ALLEGED THREAT TO APTN JOURNALIST](#), July 6, 2023; APTN News, [Rama First Nation police officer investigated for threat against APTN journalist](#), July 7, 2023.

⁸⁴⁶ Brandi Morin's Instagram account (@bmorinstories), [August 15, 2023](#); Canada Press Freedom Project, [RCMP OFFICERS THREATEN TO ARREST RICOCHET JOURNALIST](#), August 15, 2023.

⁸⁴⁷ Brandi Morin's Instagram account (@bmorinstories), [August 15, 2023](#); Canada Press Freedom Project, [RCMP OFFICERS THREATEN TO ARREST RICOCHET JOURNALIST](#), August 15, 2023.

⁸⁴⁸ Rachel Gilmore's X account (@atRachelGilmore), [September 13, 2023](#); Canada Press Freedom Project, [EXTREMIST GROUP MEMBERS STALK JOURNALIST](#), September 13, 2023.

⁸⁴⁹ Rachel Gilmore's X account (@atRachelGilmore), [September 13, 2023](#); Canada Press Freedom Project, [EXTREMIST GROUP MEMBERS STALK JOURNALIST](#), September 13, 2023.

⁸⁵⁰ IACHR, Annual Report 2022. Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50, March 6, 2023, paras. 275, 285, 287, 289.

⁸⁵¹ CBC, [P.E.I. photographer handcuffed, fined after taking pictures of Quebec City's iconic Château Frontenac](#), November 3, 2023; Canadian Association of Journalists, [CAJ: Journalists taking photographs on public property is not against the law](#), November 2, 2023.

⁸⁵² IACHR, Office of the Special Rapporteur for Freedom of Expression, Women Journalists and Freedom of Expression, October 2018, OEA/Ser.L/V/II, IACHR/RELE/INF.20/18, para. 72.

⁸⁵³ IACHR, Zonas Silenciadas: Regiones de high danger to exercise freedom of expression. March 2017. OEA/Ser.L/V/II, IACHR/RELE/INF.16/17. Recommendation no. 2.

⁸⁵⁴ IACHR, Women Journalists and Freedom of Expression. October 2018. OEA/Ser.L/V/II, IACHR/RELE/INF.20/18. Para. 83.

346. The special risks to which women journalists are exposed must be taken into account in order to prevent the intimidation or fear that may be generated by an aggression or the risk of it occurring from influencing the self-censorship of women journalists.⁸⁵⁵

347. In 2023, the Special Rapporteurship continued to receive reports on the sustainability crisis in local media. According to experts and journalists' associations, fewer and fewer journalists would have full-time jobs, and several media workers expressed concern about the financial insecurity they would face.⁸⁵⁶ In addition, minority journalists would be subject to part-time jobs with reduced labor rights.⁸⁵⁷

348. Between August and November, the Office of the Special Rapporteur was informed of the decision by employees of the public television station *TVOntario*, better known as *TVO*, to go on strike. According to the station's employees, they had received below-inflation wage increases over the past decade, including three years of a wage freeze.⁸⁵⁸ The union also said they deserved significant increases after seeing their wages capped by the one percent limit imposed by Ontario's provincial wage restraint law, known as *Bill 124*, which would limit wage increases for public sector workers.⁸⁵⁹ In early November, after 11 weeks of strike action, *TVO* employees reportedly accepted the company's offer of a 7.7 percent wage increase over three years.⁸⁶⁰

349. In June, this Office learned that *Bell Canada Enterprises* announced cuts of 1,300 employees, affecting six percent of *Bell Media*, its media arm, as well as the closure of six radio stations and the sale of three more, in addition to the liquidation of two overseas offices. According to the company, the moves would be in an attempt to "significantly adapt" the way it delivers news in the face of financial pressure; its restructuring plan, moreover, would involve "moving to a single newsroom approach across all brands, allowing for greater collaboration and efficiency."⁸⁶¹ In an interview, Bell's chief legal and regulatory officer reportedly stated that the company "can't afford" to continue operating its various brands, such as *CTV National News*, *BNN*, *CP24*, its local TV news stations and radio channels, independently of one another, so the strategy would be "a consolidation of newsgathering, [and] news delivery."⁸⁶²

350. The cuts would have affected such people as *CTV National News* executive producer Rosa Hwang, *CTV National News Ottawa's* Joyce Napier, senior political correspondent Glen McGregor, chief international correspondent Paul Workman, London news bureau correspondent Daniele Hamamdjian and Los Angeles bureau chief Tom Walters.⁸⁶³ Likewise, CTV's foreign bureaus in London, the United Kingdom and Los Angeles are expected to close, while the Washington, D.C. bureau will be downsized.⁸⁶⁴ Radio stations subject to closures would include Winnipeg's Funny 1290, Calgary's Funny 1060, Edmonton's TSN 1260 Radio,

⁸⁵⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, *Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión*, March 2017, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, para. 302.

⁸⁵⁶ Canadian Newsroom Diversity Survey, [Canadian Newsroom Diversity Survey: 2022 Final Report](#), December 22, 2022; Canadian Association of Journalists, [All journalists deserve stable jobs and less precarious work](#), September 6, 2023.

⁸⁵⁷ Canadian Newsroom Diversity Survey, [Canadian Newsroom Diversity Survey: 2022 Final Report](#), December 22, 2022; Canadian Association of Journalists, [All journalists deserve stable jobs and less precarious work](#), September 6, 2023.

⁸⁵⁸ CBC, [TVO employees back to work Monday after monthslong strike: TVO](#), Nov. 5, 2023; Global News, [TVO workers vote to accept deal with employer, ending 11-week strike](#), Nov. 6, 2023.

⁸⁵⁹ CBC, [TVO employees back to work Monday after monthslong strike: TVO](#), Nov. 5, 2023; Global News, [TVO workers vote to accept deal with employer, ending 11-week strike](#), Nov. 6, 2023.

⁸⁶⁰ CBC, [TVO employees back to work Monday after monthslong strike: TVO](#), Nov. 5, 2023; Global News, [TVO workers vote to accept deal with employer, ending 11-week strike](#), Nov. 6, 2023.

⁸⁶¹ CTV News, [BCE layoffs: Bell cuts 1300 jobs, closes 6 radio stations](#), June 14, 2023; Reuters, [Layoffs pick up pace in Canada as Bell cuts 1300 roles](#), June 15, 2023.

⁸⁶² CTV News, [BCE layoffs: Bell cuts 1300 jobs, closes 6 radio stations](#), June 14, 2023; Reuters, [Layoffs pick up pace in Canada as Bell cuts 1300 roles](#), June 15, 2023.

⁸⁶³ Reuters, [Layoffs pick up pace in Canada as Bell cuts 1300 roles](#), June 15, 2023; The Hill Times, [Bell Media job cuts, including seasoned Hill journos, spark worries from fellow reporters and editors](#), June 19, 2023.

⁸⁶⁴ Reuters, [Layoffs pick up pace in Canada as Bell cuts 1300 roles](#), June 15, 2023; The Hill Times, [Bell Media job cuts, including seasoned Hill journos, spark worries from fellow reporters and editors](#), June 19, 2023.

Vancouver's BNN Bloomberg Radio 1410 and Funny 1040, along with London's NewsTalk 1290.⁸⁶⁵ Hamilton's AM 1150 and AM 820 radio frequencies, as well as Windsor's AM 580, would be for sale.⁸⁶⁶

351. In September, the Rapporteurship received reports that the media conglomerate *Metroland Media Group* would cut 600 positions, about 60 percent of its staff.⁸⁶⁷ According to the information available, 68 journalists would be among the layoffs.⁸⁶⁸ Additionally, RELE learned of the conglomerate's intention to stop printing most of its 70 community newspapers throughout the province of Ontario, so that only six would remain in print and digital format.⁸⁶⁹ *Metroland Media Group* reportedly made these decisions to seek protection and a restructuring under the *Bankruptcy and Insolvency Act*, attributing the changes to "unsustainable financial losses resulting from changing consumer and advertiser preferences."⁸⁷⁰ The company also argued that the media industry would continue to "face existential challenges," explaining that "digital technology giants have used their dominant positions to take the vast majority of advertising revenues in Canada."⁸⁷¹

352. In September, the Office of the Special Rapporteur was also informed of the decision of the French-speaking media conglomerate *Métro Media*, headquartered and operating in the province of Quebec, to cease operations and declare bankruptcy.⁸⁷² Available information would indicate that in August, the company abruptly suspended editorial operations in its more than 30 hyperlocal publications, which would include 16 print weeklies and the *Journal Métro*.⁸⁷³

353. According to official statistics, between 2008 and 2020, the total revenues of television, radio, newspapers and magazines would have fallen by almost 6 billion Canadian dollars.⁸⁷⁴ Also, at least one third of Canadian journalism jobs would have disappeared between 2010 and 2016.⁸⁷⁵ Likewise, from 2008 to date, at least 474 media outlets in 335 communities across the country have reportedly closed.⁸⁷⁶

354. The Special Rapporteurship took note of the pronouncements of the Canadian Journalists' Association regarding the impacts on Canadian journalism of journalist layoffs, media closures and elimination of print versions. According to the association, the 2023 events previously narrated would constitute "catastrophic losses" for "Canadians living in smaller communities," thus leaving them "susceptible to coordinated disinformation campaigns."⁸⁷⁷ In addition, the association reportedly joined the backlash against media conglomerates for allegedly refusing to provide severance and layoff benefits to the hundreds of media workers affected by cutbacks, closures and disruptions to media operations.⁸⁷⁸

⁸⁶⁵ BlogTO, [Bell Media closes six stations across Canada amid job cuts](#), June 14, 2023; CTV News, [BCE layoffs: Bell cuts 1300 jobs, closes 6 radio stations](#), June 14, 2023.

⁸⁶⁶ BlogTO, [Bell Media closes six stations across Canada amid job cuts](#), June 14, 2023; CTV News, [BCE layoffs: Bell cuts 1300 jobs, closes 6 radio stations](#), June 14, 2023.

⁸⁶⁷ Global News, [Metroland ends print editions of community papers, flyers](#), Sept. 15, 2023; CBC, [Mass journalism layoffs don't just mean a gap in news coverage. Experts worry they'll hurt democracy too](#), Sept. 20, 2023.

⁸⁶⁸ BNN Bloomberg, [Metroland ends print editions of community papers, keeps regional dailies](#), Sept. 15, 2023; The Globe and Mail, [Metro Media to declare bankruptcy as local journalism takes another hit](#), Sept. 17, 2023.

⁸⁶⁹ Toronto Star, [Metroland to cease print publication of dozens of community newspapers across Ontario](#), September 15, 2023; CBC, [Mass journalism layoffs don't just mean a gap in news coverage. Experts worry they'll hurt democracy too](#), September 20, 2023.

⁸⁷⁰ BNN Bloomberg, [Metroland ends print editions of community papers, keeps regional dailies](#), Sept. 15, 2023; The Globe and Mail, [Metro Media to declare bankruptcy as local journalism takes another hit](#), Sept. 17, 2023.

⁸⁷¹ Toronto Star, [Metroland to cease print publication of dozens of community newspapers across Ontario](#), September 15, 2023; CBC, [Mass journalism layoffs don't just mean a gap in news coverage. Experts worry they'll hurt democracy too](#), September 20, 2023.

⁸⁷² CTV News Montreal, [Métro Média to declare bankruptcy](#), September 17, 2023; CBC, [Métro Média to declare bankruptcy as local journalism takes another hit](#), September 17, 2023.

⁸⁷³ Montreal Gazette, [Métro Média suspends all publications, citing financial troubles](#), August 11, 2023; Radio-Canada, [Métro Média : le PDG espère une solution, mais n'y croit pas trop](#), August 19, 2023.

⁸⁷⁴ Government of Canada, [Online News Act receives Royal Assent](#), June 22, 2023.

⁸⁷⁵ Government of Canada, [Online News Act receives Royal Assent](#), June 22, 2023.

⁸⁷⁶ Government of Canada, [Online News Act receives Royal Assent](#), June 22, 2023.

⁸⁷⁷ Canadian Association of Journalists, [Metroland and Metro Média bankruptcies signal more 'dark days' ahead for local journalism in Canada](#), September 20, 2023.

⁸⁷⁸ UNIFOR, [Metroland Media betrays workers and communities with local news cuts](#), September 15, 2023; Canadian Association of Journalists, [Metroland and Metro Média bankruptcies signal more 'dark days' ahead for local journalism in Canada](#), September 20, 2023.

355. This Office recalls that pluralism and diversity in the media are of particular importance for the full and universal exercise of the right to freedom of expression.⁸⁷⁹ In this sense, the State should promote pluralism to the greatest extent possible, in order to achieve a balance in the participation of different information in the public debate, and also to protect the human rights of those who face the power of the media.⁸⁸⁰

B. Freedom of expression, rule of law and democratic institutions

356. As in its last annual report, the Office of the Special Rapporteur continued to monitor judicial proceedings related to the arrest of activists and communicators in the context of protests against the construction of the *Coastal GasLink* pipeline in the Wet'suwet'en indigenous territory in British Columbia at the end of 2021.

357. The Special Rapporteur was informed of the decision by journalist Amber Bracken and the media outlet *The Narwhal* to file a lawsuit against the Royal Canadian Mounted Police (RCMP) and related parties in the Supreme Court of British Columbia.⁸⁸¹ According to the plaintiffs, their court action, filed in February, would seek to "establish significant consequences for the police when they interfere with the constitutional rights of journalists covering events in caution zones, including both the freedom rights of journalists and freedom of the press, as protected by section 2(b) of the *Charter of Rights and Freedoms*."⁸⁸² The lawsuit would also seek declarations from the court that Bracken's and *The Narwhal's* rights to freedom of expression had been unjustifiably violated, as well as damages and prejudice for the journalist's unjustified arrest and detention for interference with her constitutional rights. In October, this Office learned that, in response to the complaint, the RCMP allegedly suggested that Bracken was not engaged in journalistic work;⁸⁸³ in response, the plaintiffs explained to the court why Bracken was.⁸⁸⁴

358. As of the close of this annual report, the Rapporteurship has been informed of the withdrawal of charges against at least 146 protesters arrested in connection with the Fairy Creek blockade over logging on Vancouver Island; the blockade would be considered the largest act of civil disobedience in the country's history with more than 1,000 arrests made, according to public information.⁸⁸⁵ The charges were reportedly dropped after a ruling acquitting a protester after the RCMP was found to have committed procedural flaws and the Supreme Court of Canada's decision not to hear an appeal of the case.⁸⁸⁶

359. Following a request for information and the progress of the Amber Bracket case against the RCMP, the Rapporteurship received reports indicating that this State police agency does not have a clear and public policy on how to treat journalists in the context of protests, despite the existence of a legal precedent in this regard.⁸⁸⁷

360. This Office reiterates that in the context of social protest, States should refrain from engaging in practices of mass, collective or indiscriminate detentions.⁸⁸⁸ Likewise, it is essential that at all levels and

⁸⁷⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II. IACHR/RELE/INF. 2/09, December 30, 2009, para. 198.

⁸⁸⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II. IACHR/RELE/INF. 2/09, December 30, 2009, para. 198.

⁸⁸¹ CBC, [News outlet, journalist suing RCMP after 2021 arrest at B.C. pipeline protest camp](#), Feb. 13, 2023; The Guardian, ['I felt kidnapped': Canada police sued for arresting photographer covering protest](#), Feb. 13, 2023.

⁸⁸² The Narwhal, [The Narwhal and Amber Bracken's case against the RCMP: what you need to know](#), February 13, 2023.

⁸⁸³ Supreme Court of British Columbia, [Response to Amended Notice of Civil Claim \(No. S231039\)](#), October 5, 2023.

⁸⁸⁴ Supreme Court of British Columbia, [Reply \(No. S231039\)](#), October 11, 2023.

⁸⁸⁵ CBC, [Cases dropped against 146 Fairy Creek protesters over RCMP's failure to read full injunction at arrests](#), August 10, 2023; Vancouver Sun, [Cases against 146 Fairy Creek logging protesters are dropped after high court ruling](#), August 10, 2023.

⁸⁸⁶ CBC, [Cases dropped against 146 Fairy Creek protesters over RCMP's failure to read full injunction at arrests](#), August 10, 2023; Vancouver Sun, [Cases against 146 Fairy Creek logging protesters are dropped after high court ruling](#), August 10, 2023.

⁸⁸⁷ The Globe and Mail, [RCMP has no national policy on policing media at protest sites](#), August 12, 2023; Canadian Association of Journalists, [CAJ: RCMP ignores legal precedent, Charter rights, in continued campaign to persecute Canadian journalist](#), October 16, 2023.

⁸⁸⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, paras. 138-229.

agencies, States respect and guarantee that no one will be criminalized for exercising the rights to freedom of expression, assembly and association in the context of demonstrations and protests; nor will they be subject to threats, harassment, violence, persecution or reprisals for participating in protests.⁸⁸⁹

361. The Special Rapporteur became aware of a court order by which the Ontario *Provincial Police (OPP)* would seek access to the sources and original material of documentary filmmaker Jamie Kastner for a criminal investigation.⁸⁹⁰ According to public information, Kastner reportedly directed a documentary titled "There Are No Fakes" (2019) about an alleged fraud ring that would counterfeit and sell Norval Morrisseau's indigenous art; Kastner would be taking legal action to prevent authorities from gaining access to his sources and audiovisual material from 17 interviews.⁸⁹¹ The *Canadian Association of Journalists (CAJ)* expressed concern about what would be the equivalence of an interview for a documentary for informational purposes with a statement to the police, which would put journalistic work at risk, arguing that "[j]ournalists and documentary filmmakers are not agents of the police and should never be compelled to turn over interviews or source material."⁸⁹²

362. This Office recalls that the right of journalists to withhold sources helps to ensure that their lives as potential witnesses are not threatened. The protection of confidential sources not only contributes to the fundamental watchdog role of the press but also helps prevent journalists from becoming victims of violence for fear of a source being identified.⁸⁹³

363. In 2023, as in previous periods, the Office of the Special Rapporteur continued to monitor the state of access to information in the country.

364. RELE learned that three government agencies at the municipal, provincial and federal levels have received the "Code of Silence Award". This would be an initiative of the *Canadian Association of Journalists (CAJ)*, the *Centre for Free Expression at Toronto Metropolitan University (CFE)* and the *Canadian Journalists for Free Expression (CJFE)* to draw attention to public agencies that "work hard to conceal information to which the public is entitled under access to information legislation." These three civil society organizations identified the *Toronto Police Service (TPS)*,⁸⁹⁴ the *City of Prince George in British Columbia*,⁸⁹⁵ the *Quebec criminal court system*,⁸⁹⁶ and *Canada Border Services*⁸⁹⁷ as allegedly neglecting access to information principles and obligations.

365. Similarly, RELE was alerted that the British Columbia government has reportedly experienced an 80 percent drop in access to information requests, according to a report by the province's Information and Privacy Commissioner.⁸⁹⁸ The drop would be due, according to the report, to the imposition of a fee of 10

⁸⁸⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 333.

⁸⁹⁰ Global News, [Director fights to keep Morrisseau fraud doc raw footage sealed from police](#), March 24, 2023; Variety, ['Keep Police Hands Off Documentary Footage': Canadian Director Prepares for Court, Launches Fundraiser to Protect Source Material](#), June 27, 2023.

⁸⁹¹ Global News, [Director fights to keep Morrisseau fraud doc raw footage sealed from police](#), March 24, 2023; Variety, ['Keep Police Hands Off Documentary Footage': Canadian Director Prepares for Court, Launches Fundraiser to Protect Source Material](#), June 27, 2023.

⁸⁹² Canadian Association of Journalists, [Police production order against documentary filmmaker breaches principle of journalistic independence](#), March 28, 2023.

⁸⁹³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Zonas silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión, OEA/Ser.L/V/II CIDH/RELE/INF.16/17, March 15, 2017, para. 163.

⁸⁹⁴ Canadian Association of Journalists, [Time's up, game's over: Toronto Police Service recognized with 2022 Code of Silence Award for Outstanding Achievements in Government Secrecy](#), May 17, 2023.

⁸⁹⁵ Canadian Association of Journalists, [Full disclosure: Prince George selected as most secretive municipality in Canada](#), June 27, 2023.

⁸⁹⁶ Canadian Association of Journalists, [Justice served in secret is a dangerous precedent: Quebec criminal court system under spotlight for holding 'phantom trial'](#), June 13, 2023.

⁸⁹⁷ Canadian Association of Journalists, [It's not a secret anymore: Canada Border Services nabs national dis-honour](#), May 30, 2023.

⁸⁹⁸ OIPC, [Access application fee six-month review](#), January 19, 2023; The Globe and Mail, [B.C. saw 80% drop in access-to-information requests from media outlets after bringing in fee, report says](#), January 19, 2023.

Canadian dollars per request, for which the Commissioner would have advocated its elimination.⁸⁹⁹ Moreover, the fee would be in addition to other existing fees, which would affect transparency in the province and make it one of the least affordable jurisdictions in the country to exercise the right to information.⁹⁰⁰

366. This Office recalls that access to information is a citizen's right and, as such, the process to access information should be simple, fast and free or low cost.⁹⁰¹

367. With respect to requests to the *Canadian Radio-television and Telecommunications Commission (CRTC)*, the Office of the Special Rapporteur was informed of *Bell Media's* request to the CRTC to drop the requirements for the number of hours of local news for its 35 television stations, as well as the percentage of gross revenues dedicated to local news coverage.⁹⁰² *Bell Media*, according to this Office, argued that the CRTC regulations were based on obsolete realities of the telecommunications market.⁹⁰³ The request would have been made in the context of a restructuring that would seek to unify and concentrate the content of all the media conglomerate's television stations.

368. This Office recalls that States should implement various measures in order to create an environment conducive to the proliferation of pluralistic media. These measures should include, among others, the requirement of transparency about media ownership, the granting of licenses to different types of broadcasters in order to promote diversity, the creation of rules aimed at preventing undue concentration of media ownership, and the adoption of measures to promote diversity of content.⁹⁰⁴

369. In addition, the Office of the Special Rapporteur received reports that two Conservative Party MPs have reportedly tabled motions requesting Catherine Tait, president and CEO of *CBC/Radio-Canada*, and George Achi, director of journalistic standards and public trust of the same public broadcaster, to testify before parliament.⁹⁰⁵ According to available information, the move was reportedly in response to the corporation's editorial policy on the use of the term "terrorism" in its stories.⁹⁰⁶ The Canadian Association of Journalists (CAJ) condemned the motions arguing that "any effort to interfere politically with the newsgathering process of any news organization is a complete violation of press freedom."⁹⁰⁷ It should be noted that the independence of *CBC/Radio-Canada*, a public broadcaster, would be protected by the Broadcasting Act, and therefore, the CAJ asserted that "[i]f CBC's editorial decisions are to be reviewed by parliamentarians and parliamentary committees, then the corporation would truly become a state broadcaster."⁹⁰⁸

370. This Office recalls that States should orient the public media to the mandate of plurality and diversity of expression and information, which necessarily implies that they should not be subject to arbitrary interference by the government or the private sector linked to broadcasting.⁹⁰⁹

371. As reported by this Office in its annual report, the federal government established a commission [*Public Order Emergency Commission*] to investigate the circumstances that led to the declaration

⁸⁹⁹ The Globe and Mail, [B.C. saw 80% drop in access-to-information requests from media outlets after bringing in fee, report says](#), January 19, 2023; OIPC, [Annual Report 2022-2023](#), August 1, 2023.

⁹⁰⁰ OIPC, [Annual Report 2022-2023](#), August 1, 2023.

⁹⁰¹ OAS, UN, OSCE, Joint Declaration on Access to Information and on Legislation Regulating Secrecy, 2004.

⁹⁰² CP24, [Bell asks CRTC to drop local news requirements after mass layoffs](#), June 23, 2023; CBC, [Bell Media asks regulator to remove its obligations to local TV news](#), June 23, 2023.

⁹⁰³ CP24, [Bell asks CRTC to drop local news requirements after mass layoffs](#), June 23, 2023; CBC, [Bell Media asks regulator to remove its obligations to local TV news](#), June 23, 2023.

⁹⁰⁴ OAS, UN, OSCE, ACHPR, Joint Declaration on Media and Elections, 2009.

⁹⁰⁵ CBC, [Conservative MPs want to bring CBC executives before Commons committee over 'terrorism' language policy](#), Oct. 16, 2023; National Post, [Conservative heritage critic refuses to apologize for accusing CBC of being 'on the side of terrorists'](#), Oct. 26, 2023.

⁹⁰⁶ CBC, [Conservative MPs want to bring CBC executives before Commons committee over 'terrorism' language policy](#), Oct. 16, 2023; National Post, [Conservative heritage critic refuses to apologize for accusing CBC of being 'on the side of terrorists'](#), Oct. 26, 2023.

⁹⁰⁷ Canadian Association of Journalists, [CAJ: Hands off news coverage](#), October 24, 2023.

⁹⁰⁸ Canadian Association of Journalists, [CAJ: Hands off news coverage](#), October 24, 2023.

⁹⁰⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression Standards for Free and Inclusive Broadcasting, OEA Ser.L/V/II. IACHR/RELE/INF. 3/09, December 30, 2009, para. 89.

of a state of emergency following the February 14-23, 2022 *Freedom Convoy* protests in Ottawa.⁹¹⁰ In February 2023, the Rapporteurship received the final report of the commission. That report concluded that "the very high threshold required for invocation of the [Public Order Emergency] Act was met," explaining that "Cabinet had reasonable grounds to believe that there was a national emergency arising from threats to the security of Canada that required the adoption of special temporary measures."⁹¹¹ However, the commission also concluded that flaws were allegedly incurred in its implementation, for which it made 56 recommendations in six areas: policing; federal intelligence gathering and coordination; protection of critical trade corridors and infrastructure; suggested reforms to the Emergency Act; other areas for further study; and follow-up and accountability following the release of the commission's report.⁹¹²

372. This Office reiterates that as legitimate and protected forms of exercising different rights and a fundamental instrument of democratic coexistence, public protests and demonstrations, even when they express social unrest, cannot be used as a justification for the declaration of states of emergency, nor to establish other forms of suspension of rights. In this sense, acts of violence that may eventually occur in the context of demonstrations should normally be prevented, investigated and punished without the need to resort to the suspension of rights.⁹¹³

373. Finally, during the course of the year, the Office of the Special Rapporteur received reports of protests on university campuses as a result of conferences alleged by some sectors to be homophobic and transphobic, which, according to reports, have even led to the cancellation of events or forced the change of modality from face-to-face to virtual events⁹¹⁴. In this context, RELE learned that at least one case of event cancellation has led to the opening of legal proceedings against the university, located in Alberta, which would host the presentation⁹¹⁵. The Rapporteurship has observed reactions from government institutions in this context. In Alberta, the government decided to require post-secondary institutions to report annually to the authorities on their efforts to "protect freedom of expression" on their campuses.⁹¹⁶ The authorities also ensured that the annual report would complement an earlier requirement that the 26 publicly funded postsecondary institutions in Alberta "support the Chicago Principles on Freedom of Expression or develop a policy that is consistent with the principles"⁹¹⁷. The Office of the Rapporteur recognizes how crucial the debate on the exercise of academic freedom is at this time in Canada and urges adherence to the Inter-American Principles on Academic Freedom in the search for best guidelines and practices⁹¹⁸, in the spirit of supporting the ability of members of all communities, and in particular marginalized groups, to express their views and concerns.

C. Freedom of expression and the fight against discrimination and exclusion

374. So far this year, this Office became aware with concern of what would be an increase in possible instances of violence and stigmatization against the LGBTI community in the country, both in person and virtually. In just the first three months of 2023, the Rapporteurship was alerted of more than 6,400 online

⁹¹⁰ IACHR, Annual Report 2022, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50, March 6, 2023, para. 304.

⁹¹¹ Public Order Emergency Commission, [Public Order Emergency Commission Releases Report](#), February 17, 2023.

⁹¹² Public Order Emergency Commission, [Public Order Emergency Commission Releases Report](#), February 17, 2023.

⁹¹³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 324.

⁹¹⁴ CBC, [Protesters storm McGill University talk on sex vs. gender, shutting it down](#), Jan. 9, 2023; CTV News, [McGill speaker's talk cancelled after trans activists protest](#), Jan. 10, 2023; CBC, [Controversial academic meets noisy resistance at U of L after school halts planned lecture](#), Feb. 1, 2023; Global News, [Hundreds of protesters drown out speaker Frances Widdowson at University of Lethbridge](#), Feb. 2, 2023.

⁹¹⁵ Justice Centre for Constitutional Freedoms, [University of Lethbridge sued over cancelling Dr. Frances Widdowson speaking event](#), August 1, 2023.

⁹¹⁶ CBC, [Alberta to require 'free speech reporting' after uproar over controversial academic visit](#), February 3, 2023; Global News, [Alberta government will require annual 'free speech reporting' from post-secondary schools](#), February 3, 2023.

⁹¹⁷ CBC, [Alberta to require 'free speech reporting' after uproar over controversial academic visit](#), February 3, 2023; Global News, [Alberta government will require annual 'free speech reporting' from post-secondary schools](#), February 3, 2023.

⁹¹⁸ IACHR, Inter-American Principles on Academic Freedom and University Autonomy, 2021.

protests and threats against this population.⁹¹⁹ Among the incidents reported to this Office were the vandalization of LGBTI pride flags and threats against those who display them on public or private property;⁹²⁰ repeated sabotage of events organized by the community;⁹²¹ the stabbing attack against a professor and two students during a gender studies class at the University of Waterloo;⁹²² as well as protests against school districts for their policies in favor and against this minority.⁹²³

375. The Rapporteurship, like the IACHR, calls on the authorities to contribute forcefully to the construction of a climate of tolerance and respect in which all persons, including LGBTI persons and those who defend their rights, can express their thoughts and opinions without fear of being attacked, punished, or stigmatized for doing so.⁹²⁴

376. In addition, the Office of the Special Rapporteur also recorded multiple protests regarding instruction in schools on sexuality, gender identity and how teachers should refer to transgender minors.⁹²⁵ According to public information, thousands of people reportedly gathered in cities across the country including Montreal, Toronto, Regina, Vancouver and Victoria, among others. Protesters under the coordinated march called "1 Million March 4 Children" reportedly accused schools of exposing students to the so-called gender ideology, pointing out the alleged premature sexualization and potentially harmful indoctrination to which they would be subjected.⁹²⁶ Other protesters have accused their opponents of allegedly importing culture wars from the United States and seeking to undermine the teaching of inclusion and respect for LGBTI persons.⁹²⁷ The Rapporteurship was informed that arrests were reportedly made in the provinces of British Columbia, Ontario and Nova Scotia for allegedly displaying hate material and inciting hatred, among other reasons.⁹²⁸

377. The nationwide protests reportedly arose over education policies that would require young people to obtain parental consent before teachers could use their preferred names and pronouns.⁹²⁹ Organizers of "1 Million March 4 Children" would support this consent requirement, while the other protesters would view this policy as a violation of children's rights, arguing that teachers should not make transgender youth known to their parents.⁹³⁰

378. This Office recalls that States are called upon to focus particularly, as local circumstances warrant, on combating-which includes designing programs to counteract-historical discrimination, prejudice, and attitudes that impede the equal enjoyment of the right to freedom of expression.⁹³¹ In addition, it is

⁹¹⁹ Eagle, [6,423 missing threads - Each one representing an attack on our community](#), May 25, 2023.

⁹²⁰ CBC, [Pride flags vandalized at Delta, B.C. church ahead of Pride Month](#), June 1, 2023; The Independent, [LGBT+ flags vandalised for a fourth time at Canada church on eve of Pride Month](#), June 1, 2023; The Sun Times, [Political leaders condemn anti-Pride letters sent to city residents](#), June 30, 2023; Global News, ['Pure act of hatred': anti-LGBTQ+ comments, threats stir Leduc city council](#), June 28, 2023.

⁹²¹ CityNews, [Rising hate in Canada casts pall over Pride, spotlights need for protest along with celebration](#), June 15, 2023; CBC, [These drag performers say protests, threats won't stop them from reading to kids at storytime events](#), Sept. 16, 2023.

⁹²² CTV News, [Gender studies class targeted in stabbing attack will continue this week: University of Waterloo](#), July 5, 2023; Global News, [U of Waterloo stabbing at gender studies class amounts to terrorism: prosecutors](#), Sept. 8, 2023.

⁹²³ The Globe and Mail, [Schools become targets for backlash against LGBTQ rights](#), June 9, 2023; AntiHate, [SCHOOL BOARDS, SCHOOLS TARGETED AS ANTI-2SLGBTQ+ PROTESTS CONTINUE](#), Sept. 28, 2023.

⁹²⁴ IACHR, Violence against LGBTI persons, OAS/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015, para. 245.

⁹²⁵ CTV News, [Cross-country rallies against 'gender ideology' in schools meet with counter-protests](#), September 20, 2023; CBC, [Arrests, heated exchanges mark rallies over LGBTQ school policies](#), September 20, 2023.

⁹²⁶ CTV News, [Cross-country rallies against 'gender ideology' in schools meet with counter-protests](#), September 20, 2023; CBC, [Arrests, heated exchanges mark rallies over LGBTQ school policies](#), September 20, 2023.

⁹²⁷ CTV News, [Cross-country rallies against 'gender ideology' in schools meet with counter-protests](#), September 20, 2023; CBC, [Arrests, heated exchanges mark rallies over LGBTQ school policies](#), September 20, 2023.

⁹²⁸ Victoria Police Department, [Demonstrators Asked to Cease Activity](#), Sept. 20, 2023; Ottawa Police X Account (@OttawaPolice), [Sept. 21, 2023](#); CBC, [Protesters, counter-protesters shut down Ottawa streets over LGBTQ rights in schools](#), Sept. 20, 2023; CTV News Atlantic, [Simultaneous protests and counter-protests across the Maritimes on gender education in schools](#), Sept. 20, 2023; Washington Blade, [Eight jailed across Canada during anti-LGBTQ sex ed rallies](#), Sept. 21, 2023.

⁹²⁹ The Globe and Mail, [Anti-LGBTQ protests planned across Canada as counterprotests combat 'hate-fuelled' messaging](#), Sept. 19, 2023; CBC, [Arrests, heated exchanges mark rallies over LGBTQ school policies](#), Sept. 20, 2023.

⁹³⁰ The National Post, [Gender ideology protests, counter-protests held across Canada](#), September 20, 2023; CBC, [Arrests, heated exchanges mark rallies over LGBTQ school policies](#), September 20, 2023.

⁹³¹ OAS, UN, OSCE, ACHPR, Joint Declaration on Universality and the Right to Freedom of Expression, 2014.

particularly important that States adopt actions to guarantee the exercise of the right to freedom of expression of LGBTI people and to empower those affected and historically invisible.⁹³²

379. Following the escalation of tensions in the Middle East in early October, the Office of the Special Rapporteur was alerted to an increase in reported anti-Semitic and Islamophobic incidents in the country. Since October 7, dozens of crimes against the Jewish, Arab and Muslim communities have been reported in several cities in the country, including Molotov cocktail attacks against religious temples, vandalization of homes and temples with hate signs, hate chants and death threats, among others.⁹³³

380. This Office reiterates that the exercise of freedom of expression and a free and pluralistic press play a very important role in promoting tolerance, addressing tensions in democratic deliberation and providing a forum for the peaceful resolution of conflicts, including those of a cultural and religious nature.⁹³⁴

381. The Special Rapporteurship welcomes the recognition with the Charles Bury Award to four Canadian journalists, Tahieròn:iohte Dan David, Duncan McCue, Karyn Pugliese, and Jody Porter, for their journalistic work covering Indigenous stories and systemic injustices.⁹³⁵ According to the Canadian Association of Journalists, these four journalists would have contributed to creating "a critical space for others to tell stories about Indigenous issues in the pursuit of a more just and equitable society."⁹³⁶

382. The Rapporteurship also welcomes the award of the Tara Singh Hayer Prize to three Canadian women journalists in recognition of their journalistic work and defense of press freedom in the midst of threats and harassment since the beginning of 2022; the winners were Saba Eitizaz of the *Toronto Star*, Rachel Gilmore of *Global News*, and Erica Ifill of *The Hill Times*.⁹³⁷ Their reporting and awareness-raising work was documented in the Office's latest annual report.⁹³⁸

D. Freedom of expression and the Internet

383. In 2023, as in its past annual reports, the Rapporteurship continued to follow up on legislative initiatives that would affect freedom of expression on the Internet in the country.

384. In April, this Office learned that the Senate passed the *Online Streaming Act* or *Bill C-11*.⁹³⁹ According to official sources, the legislation would aim to modernize the *Broadcasting Act* and give the *Canadian Radio-television and Telecommunications Commission (CRTC)* the authority to regulate the Canadian broadcasting system⁹⁴⁰. In addition, the bill would seek to "contribute to the creation and availability of Canadian stories and music" and ensure that Canadian creators are compensated for their work. However, the Rapporteurship received reports that major foreign streaming companies, such as *Netflix*, *Amazon Prime Video* and *Disney+*, have reportedly warned the *CRTC* that the proposed regulations could block or reduce their services and the content options available in the country⁹⁴¹. Other platforms, such as *YouTube* and *TikTok*, as

⁹³² IACHR, Violence against LGBTI persons, OAS/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015, para. 234.

⁹³³ CBC, [Reported hate crimes in several Canadian cities higher amid Israel-Hamas war, police say](#), Nov. 3, 2023; CTV News, ['We're just more vigilant,' synagogue and mosque leaders in Canada say amid rise in hate crimes](#), Nov. 4, 2023; The Globe and Mail, [Antisemitism a growing concern after spike in hate-related incidents](#), Nov. 10, 2023.

⁹³⁴ OAS, UN, OSCE, Joint Declaration on the publication of confidential information, openness of national and international public bodies, freedom of expression and cultural and religious tensions, and impunity in cases of attacks against journalists, 2006.

⁹³⁵ Canadian Association of Journalists, [Four Canadian journalists recognized for championing Indigenous journalism, and telling truth, about long-standing systemic injustices](#), April 15, 2023.

⁹³⁶ Canadian Association of Journalists, [Four Canadian journalists recognized for championing Indigenous journalism, and telling truth, about long-standing systemic injustices](#), April 15, 2023.

⁹³⁷ Unifor, [Unifor media workers honoured at CJFE gala for fighting back against harassment](#), February 15, 2023; Toronto Star, [Toronto Star journalists honoured for calling out online abuse and 'courageous' reporting](#), February 15, 2023.

⁹³⁸ IACHR, Annual Report 2022, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50, March 6, 2023, paras. 285-290.

⁹³⁹ Government of Canada, [Online Streaming Act](#), April 27, 2023.

⁹⁴⁰ Government of Canada, [Online Streaming Act](#), April 27, 2023.

⁹⁴¹ Michael Geist, [Foreign Internet Streaming Services Warn CRTC Its Bill C-11 Regulations May Lead to Blocked Content or Services in Canada](#), June 15, 2023; CBC, [Controversial bill to regulate online streaming becomes law](#), April 27, 2023.

well as like-minded experts, have also reportedly expressed concern about the clause that would require them to alter their algorithms to promote and recommend Canadian content, arguing that recommended content would become location-based rather than interest-based, creating a system in which content creators would have to prove they are "Canadian enough" to be viewed.⁹⁴²

385. In June, the Rapporteurship also learned of the passage of *Bill C-18*, or the *Online News Act*, which would require large *Internet Service Providers (ISPs)* to negotiate payment arrangements with media outlets for the use of their news stories.⁹⁴³ The law would go into full effect by December 19, 2023, although as of the date of this annual report, this would not yet be the case.⁹⁴⁴ Following its approval, this Office learned that the company Meta announced that it would block all news links in Canada on its *Facebook* and *Instagram* platforms, and would proceed to cancel existing agreements with Canadian media outlets; the blocked links would include news from national and international media.⁹⁴⁵ The company argued that the legislation would be based on "the incorrect premise that Meta unfairly benefits from news content shared on our platforms, when the opposite is true," adding that "[m]edia voluntarily share content on *Facebook* and *Instagram* to expand their audiences and help their bottom line."⁹⁴⁶ In reaction to Meta's decision, which it called "unreasonable" and "irresponsible," the Rapporteurship was informed of the federal government's decision to suspend its advertising on both platforms.⁹⁴⁷ Other companies, owners of national media outlets, also reportedly suspended their advertising in protest.⁹⁴⁸

386. The Office also received reports that Google has informed the federal government of its intention to remove links to Canadian news in its *Search*, *News* and *Discover* products, arguing that *Bill C-18* would make it "unsustainable" to continue offering the *Google News Showcase* in the country.⁹⁴⁹ Such measures would be implemented once the law takes effect in December 2023, according to the company.⁹⁵⁰ It is expected that to access the news, Canadians would have to type the media outlet's web address directly into their browser or through apps, newsletters, aggregators and other channels.⁹⁵¹

387. Available information on the regulations under *Bill C-18* would indicate that as of the closing date of this annual report, the government would expect Google and Meta to pay at least 4% of search or social networking revenues in Canada for a minimum of \$234 million, which would be known as a "linkage tax."⁹⁵² The government believes the calculation would provide a significant contribution for full-time journalists in the country, although most of that revenue would not go to journalists in mainstream media.⁹⁵³ Meta and Google reiterated their disagreement with such a tax because of the high financial costs and the way it would affect search engines and the way the web has operated to date.⁹⁵⁴ As part of a month-long consultation during

⁹⁴² Global News, [YouTube, TikTok say Liberals' online streaming bill would harm digital creators](#), September 21, 2022; BBC News, [Bill C-11: Why is YouTube mad at Canada?](#), May 1, 2023.

⁹⁴³ Parliament of Canada, [Bill C-18](#), June 22, 2023.

⁹⁴⁴ Government of Canada, [The Online News Act](#), October 27, 2023.

⁹⁴⁵ Meta, [Changes to News Availability on our Platforms in Canada](#), June 1, 2023; Global News, [Meta to continue blocking Canadian news despite new C-18 regulations](#), September 1, 2023.

⁹⁴⁶ Meta, [Changes to News Availability on our Platforms in Canada](#), June 1, 2023.

⁹⁴⁷ National Post, [Ottawa, Quebec pull advertising, escalating showdown with Facebook and Instagram](#), July 5, 2023; CTV News, [Ottawa to suspend advertising on Facebook, Instagram in ongoing disagreement over Online News Act](#), July 5, 2023.

⁹⁴⁸ CP24, [Bell cuts put Bill C-18 back in the spotlight as Meta tests blocking news](#), June 15, 2023; CTV News, [Understanding Bill C-18: Canada's Online News Act and its proposed rules, explained](#), Sept. 1, 2023.

⁹⁴⁹ Google Canada, [An update on Canada's Bill C-18 and our Search and News products](#), June 29, 2023.

⁹⁵⁰ Google Canada News, [When will these changes take effect](#), November 11, 2023.

⁹⁵¹ Google Canada, [How will Canadians get timely access to local news and information from Canadian publications](#), November 11, 2023.

⁹⁵² CTV News, [Understanding Bill C-18: Canada's Online News Act and its proposed rules, explained](#), September 1, 2023; Michael Geist, [A Reality Check on the Online News Act: Why Bill C-18 Has Been a Total Policy Disaster](#), September 20, 2023.

⁹⁵³ CTV News, [Online News Act could see Google, Meta pay combined \\$230 million to Canadian media](#), September 1, 2023; Toronto Star, [News act could see Google, Meta pay \\$230 million](#), September 1, 2023.

⁹⁵⁴ CTV News, [Understanding Bill C-18: Canada's Online News Act and its proposed rules, explained](#), September 1, 2023; Michael Geist, [A Reality Check on the Online News Act: Why Bill C-18 Has Been a Total Policy Disaster](#), September 20, 2023.

September, the company reportedly sent the government a document analyzing the regulations, proposing adjustments, and expressing its concerns, some of which were shared by media organizations.⁹⁵⁵

388. The Special Rapporteur received six recommendations from the Canadian Journalists Association originally shared with the federal government as part of consultations on the Online News Act. These would include proactive and mandatory disclosure of agreements between Internet platforms and news organizations; earmarking any monetary contributions for the hiring and/or retention of media workers; not prohibiting news organizations from joining a bargaining unit due to the high costs of joining such companies individually; not exclude any media outlet that serves diverse communities, including communities of African descent and other racialized communities; ensure that regulations reflect editorial contributions made by part-time journalists in addition to those working in full-time positions; ensure that regulations clarify the status of workers who produce audiovisual content.⁹⁵⁶

389. The Office of the Special Rapporteur has learned of multiple concerns about this legislative initiative. Experts have pointed to the possibility that blocking links to news would lead to a drop in media literacy and an increase in online disinformation.⁹⁵⁷ Other stakeholders point out, however, that the "link tax" would partially offset the fact that these technology platforms would be using news content produced by journalists to train artificial intelligence models to allegedly compete for multi-million dollar revenues.⁹⁵⁸

390. This Office recognizes that the sustainability of journalism in the digital environment constitutes one of the most important challenges for democracies, takes note of the reports emerging from Canada, will follow up on them and encourages all parties to consider multi-stakeholder deliberations that take into account inter-American human rights standards.

391. The Rapporteurship was also informed of the federal government's decision to ban TikTok on official electronic devices, a measure that has reportedly already been adopted in the United States and the European Union.⁹⁵⁹ The Canadian authorities' measure is said to be due to cybersecurity concerns, arguing that the platform would present "an unacceptable level of risk to privacy and security" due to its data collection methods.⁹⁶⁰

392. On the other hand, the Rapporteurship learned that the federal government, headed by the Liberal Party of Canada, would not adopt a policy of the same party that has been criticized by several experts as infringing on freedom of expression.⁹⁶¹ According to public information, members of the Liberal Party have approved a non-binding internal resolution to "combat disinformation in Canada," which would ask the government to explore "options to hold online information services accountable for the veracity of material published on their platforms," in addition to limiting "publication only to material whose sources can be traced."⁹⁶²

⁹⁵⁵ Google Canada, [Google Canada Submission: Regulations Respecting the Application of the Online News Act, the Duty to Notify and the Request for Exemptions](#), October 12, 2023; Reuters, [Canada news industry body backs Google's concern about online news law](#), October 12, 2023; CTV News, [News media lobby group says Google concerns about Online News Act are valid](#), October 12, 2023.

⁹⁵⁶ Canadian Association of Journalists, [Online News Act Regulations Submission](#), October 2, 2023.

⁹⁵⁷ CityNews, [Explainer: What does Bill C-18, the Online News Act, mean for your access to news?](#), July 19, 2023; CTV News, [Understanding Bill C-18: Canada's Online News Act and its proposed rules, explained](#), July 20, 2023.

⁹⁵⁸ The New York Times, ['Not for Machines to Harvest': Data Revolts Break Out Against A.I.](#), July 15, 2023; Canadian Association of Journalists, [No news is bad news for Canada: CAJ urges Meta, Google, government, and news organizations to uphold the public's right to know](#), August 2, 2023.

⁹⁵⁹ CNN, [Canada bans TikTok on government devices](#), February 27, 2023; Reuters, [Canada bans TikTok from government devices citing security risks](#), February 27, 2023.

⁹⁶⁰ Government of Canada, [Statement by Minister Fortier announcing a ban on the use of TikTok on government mobile devices](#), February 27, 2023.

⁹⁶¹ CBC, [Government won't adopt Liberal policy critics warned could hurt press freedom, PM says](#), May 9, 2023; CTV News, [Trudeau says his government would never implement Liberal party policy on traceable online sources](#), May 9, 2023.

⁹⁶² CBC, [Government won't adopt Liberal policy critics warned could hurt press freedom, PM says](#), May 9, 2023; CTV News, [Trudeau says his government would never implement Liberal party policy on traceable online sources](#), May 9, 2023.

393. This Office recalls that in order to impose subsequent liability for the exercise of the fundamental right to freedom of expression on the Internet-or in any other sphere-it is not sufficient to invoke mere conjecture about possible disturbances of public order, nor hypothetical circumstances derived from interpretations by the authorities of facts that do not clearly establish, for example, a certain and objective risk of serious disturbances ("anarchic violence") in the terms of Article 13.5 of the Convention.⁹⁶³

⁹⁶³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 62.

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394. In 2023, the Office of the Special Rapporteur learned of several cases of threats and intimidation against journalists, some of which were alleged to have come from high-ranking public officials. The use of criminal defamation laws to threaten press workers was also reported. In this regard, civil society has called on the Chilean State to update criminal defamation legislation in accordance with international standards of freedom of expression. Likewise, RELE received information on alleged pressures from officials to demand the punishment or dismissal of journalists. On the other hand, this Office continued to follow up on legislation and constitutional reforms that impact freedom of expression in Chile. The Rapporteurship followed up on a bill that would seek to strengthen the protection of journalists and other press workers.

A. Journalism and democracy

395. In 2023, this Office received reports of attempted violence and threats against journalists in Chile. For the second time in less than a year, the offices of the Chilean media outlet *Resumen* located in Concepción were the target of a robbery and attempted arson⁹⁶⁴. The Biobío Journalists' Association responded by denouncing the inaction of Chilean prosecutors following the first attack in 2022, emphasizing that the attacks against *Resumen* had been acts of violence and intimidation that "are unacceptable for the practice of journalism"⁹⁶⁵.

396. After writing an opinion column in which he referred to Augusto Pinochet as "traitor, terrorist murderer, thief and coward," journalist Daniel Matamala was threatened and attacked on social networks⁹⁶⁶. One of the threats denounced by the journalist stated: "I want another dictatorship and I want Matamala to be the first," along with an image of a person being executed⁹⁶⁷. The Observatory of the Right to Communication denounced the threats and urged progress in legislation to protect journalists⁹⁶⁸.

397. Furthermore, in March, Chilean investigative journalist Josefa Barraza reported that she was intimidated for her report for *El Ciudadano*⁹⁶⁹. Barraza had revealed that the General Director of the Carabineros was charged with covering up for a group of police officers who were holding clandestine parties for sexual purposes⁹⁷⁰. The General then responded to the media with a letter to the media, in which he questioned Barraza's article. The letter was published by the media outlet in accordance with the General's right of reply⁹⁷¹. The Chilean Association of Journalists noted its concern with the General's statements against Barraza's work, emphasizing the importance of "protecting the work and the right of each journalist to do their job, without their professionalism being questioned". The Observatory of the Right to Communication responded by rejecting the General's speech as "stigmatizing speech," alleging that his disqualifications of Barraza exceeded the right to clarification and contributed to hostility against journalists⁹⁷². In addition, the Observatory stated to this Office its concern for Barraza, since she had published several reports on police irregularities and the General's response could influence his subordinates to intimidate the journalist by following or spying on her, as has occurred in previous cases with journalists⁹⁷³. In the aftermath, Barraza has

⁹⁶⁴ Sumario, [New attack on Resumen offices in less than a year; robbery and attempted arson in the center of Concepción](#), March 22, 2023; Interferencia, [Nuevo robo y amago de incendio afectan dependencias de diario Resumen de Concepción](#), March 24, 2023.

⁹⁶⁵ Resumen Latinoamericano, [Chile. Colegio de Periodistas de Biobío reclama "investigación exhaustiva", tras nuevo atentado contra Resumen](#), March 23, 2023; Nuevo Correo de Los Trabajadores, [Colegio de Periodistas del Biobío reclama «una investigación exhaustiva», tras nuevo atentado contra Resumen](#), March 25, 2023.

⁹⁶⁶ Central Noticias, ["Que Matamala sea el primero": La impactante amenaza que recibió el periodista tras su columna contra Pinochet](#), June 5, 2023; Página 19, [Amenazan de muerte al periodista Daniel Matamala](#), June 6, 2023.

⁹⁶⁷ Central Noticias, ["Que Matamala sea el primero": La impactante amenaza que recibió el periodista tras su columna contra Pinochet](#), June 5, 2023; El Desconcierto, [Matamala denuncia ataque de odio tras columna sobre dictador Pinochet: "Para que nunca más"](#), June 5, 2023.

⁹⁶⁸ X account of the Observatorio del Derecho a la Comunicación (@OdcChile), [June 5, 2023](#).

⁹⁶⁹ Information sent by Josefa Barraza, March 29, 2023.

⁹⁷⁰ Information sent by Josefa Barraza, March 29, 2023.

⁹⁷¹ Information sent by Josefa Barraza, March 29, 2023.

⁹⁷² X Account of the Chilean Association of Journalists, [March 12, 2023](#); X account of the Observatorio del Derecho a la Comunicación (@OdcChile), [March 10, 2023](#).

⁹⁷³ Information sent by Observatorio del Derecho a la Comunicación, April 10, 2023.

reported harassment by Carabineros sympathizers, including insults, threats, and leaks of her personal information⁹⁷⁴.

398. According to public reports, in April, the president allegedly rebuked a photojournalist from Agencia Uno, accredited in La Moneda, while he was trying to take photographs of his office. The president pointed out that his office was a private space⁹⁷⁵. The Chilean Association of Journalists responded by saying that public authorities "must be the first to respect the work of the press" and calling for freedom of the press without restrictions⁹⁷⁶.

399. Also in 2023, this Office continued to monitor criminal investigations into "Operation Topographer," in which it is alleged that agents of the Army Intelligence Directorate (DINE) intercepted communications of journalist Mauricio Weibel Barahona⁹⁷⁷. Weibel Barahona had published a series of reports on possible embezzlement of funds within the Army in *The Clinic* in 2015⁹⁷⁸. The investigation culminated with crimes charged to Juan Antonio Poblete, former minister of the Court of Appeals of Santiago, and Schafik Nazal Lazaro, former director of Army Intelligence, for falsification of public instrument and interceptions⁹⁷⁹. In June of this year, the Supreme Court accepted a writ of amparo for Poblete, and, for procedural reasons, ordered his immediate release from pre-trial detention⁹⁸⁰. In response to the Supreme Court's ruling, Weibel Barahona argued that the Court's decision was "contrary to jurisprudence and constitutes a step backwards in the defense of freedom of expression."⁹⁸¹

400. This Office reiterates that journalism is the primary and principal manifestation of freedom of expression, since it is journalists and the media who keep society informed on matters of public interest and contribute to the existence of a broad, robust and pluralistic public debate⁹⁸². For this reason, States have the obligation to create the conditions for journalists to be able to exercise their function freely, independently and safely⁹⁸³.

401. It also recalls that according to Principle 9 of the Declaration of Principles on Freedom of Expression of the IACHR, "[t]he murder, kidnapping, intimidation, threats to social communicators, as well as the material destruction of the media, violate the fundamental rights of individuals and severely restrict freedom of expression. It is the duty of States to prevent and investigate these acts, punish the perpetrators and ensure adequate reparation for the victims"⁹⁸⁴.

402. This Office also received several reports on the use of criminal defamation laws against members of the press. In January, journalist Felipa Soto Cortés was convicted of defamation after publishing an article reporting on contractual irregularities by an official of the Regional Government of Biobío, who

⁹⁷⁴ Information sent by Josefa Barraza, May 10, 2023.

⁹⁷⁵ La Tercera, "[Abuso de autoridad: Colegio de Periodistas condena exabrupto de Presidente Boric con la prensa acreditada en La Moneda](#)", April 19, 2023; Biobio Chile, "[Presidente Boric increpa a fotógrafo en La Moneda: Gobierno estima "violación a su privacidad"](#)", April 18, 2023.

⁹⁷⁶ X account of the Chilean Association of Journalists (@ChilePeriodista), [April 18, 2023](#); Infobae, "[Gabriel Boric increpó a un fotógrafo que lo captó en su despacho de La Moneda: las imágenes que causaron su furia](#)", April 19, 2023; X Account of the Association of Journalists of Chile (@ChilePeriodista), [April 18, 2023](#).

⁹⁷⁷ IACHR, Annual Report, Annual Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50 rev. 1., March 6 2023, para. 345.

⁹⁷⁸ IACHR, Annual Report, Annual Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50 rev. 1., March 6 2023, para. 345.

⁹⁷⁹ Biobio Chile, "[Corte confirma prisión preventiva para exjuez y exdirector de Inteligencia por escuchas ilegales](#)", May 11, 2023; El Dínamo, "[Decretan prisión preventiva para ex director de Inteligencia del Ejército por escuchas ilegales](#)", May 4, 2023.

⁹⁸⁰ CNN Chile, "[Operación Topógrafo: Corte Suprema concede libertad a exjuez Juan Antonio Poblete](#)", June 19, 2023; El Dínamo, "[¿Qué es la "Operación Topógrafo"? Corte Suprema dejó en libertad a juez formalizado](#)", June 20, 2023.

⁹⁸¹ X account of journalist Mauricio Weibel Barahona (@mauricio_weibel), [June 19, 2023](#).

⁹⁸² I/A Court H.R., Advisory Opinion OC-5/85, Compulsory Membership in an Association of Journalists (Arts. 13 and 29 American Convention on Human Rights), November 13, 1985, para. 71; IACHR, Background and Interpretation of the Declaration of Principles.

⁹⁸³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 8 and para. 165 et seq.

⁹⁸⁴ IACHR, Declaration of Principles on Freedom of Expression, 2000.

reportedly held parallel employment contracts, which were the subject of an investigation by the Comptroller's Office⁹⁸⁵. Several international and Chilean civil society organizations, including the Committee to Protect Journalists, have denounced the use of criminal defamation laws against Soto Cortés by the Chilean State⁹⁸⁶. The Chilean Association of Journalists also criticized the conviction, stating that the use of criminal defamation laws against journalists goes "against all international standards in defense of freedom of expression"⁹⁸⁷. The Inter American Press Association referred to the conviction against Soto as a "threat to democracy" in Chile⁹⁸⁸.

403. In April, journalist Paulina de Allende Salazar was summoned to testify in the context of the trial for libel and slander against her following allegations made by the former mayor of Maipú⁹⁸⁹. The allegations were made after the journalist reported on alleged irregularities in the payment of overtime in the Municipality of Maipú during the administration of the former mayor. In the midst of the lawsuit, arrest warrants were issued against journalists José Antonio Neme, Diana Bolocco, and Roberto Saa, for having been summoned as witnesses and not having appeared⁹⁹⁰. After hearings, the court dismissed the lawsuit for libel and slander⁹⁹¹. The Observatory of the Right to Communication denounced the charges as persecution and judicial harassment against journalists, and urged to decriminalize the crimes of libel and slander and reserve them for civil courts⁹⁹².

404. In May, journalist Víctor Herrero of *Interferencia* was found guilty of libel and slander following a complaint filed by a lieutenant colonel of the Carabineros⁹⁹³. The complaint was about a report by Herrero alleging that the lieutenant colonel had been removed from his post and transferred for possible links to timber theft and concealment of information regarding this crime associated with the indigenous conflict⁹⁹⁴. Reporters Without Borders expressed its concern over the conviction, and urged that Chilean libel and slander laws be updated to comply with international rights of freedom of the press and expression⁹⁹⁵. The Observatorio del Derecho a la Comunicación noted that the conviction contravenes the jurisprudence of the Inter-American Court of Human Rights on matters of public interest⁹⁹⁶. Herrero himself noted a growing tendency among government officials and citizens to punish the press for doing its job: "What is alarming is how, from judges to police, and also broad sectors of the citizenry, it is becoming naturalized that the press, whatever its color, deserves to be punished for doing its job, and this is a dangerous path that contributes to the erosion of democracy, a path that the West already traveled a century ago"⁹⁹⁷. Herrero now seeks to appeal

⁹⁸⁵ La Voz de Chile, [Felipe Soto, periodista de Chile condenado por difamación](#), January 27, 2023; Voces del Sur, [La Red Voces del Sur rechaza la condena de prisión a editor de un periódico digital en Chile](#), February 1, 2023.

⁹⁸⁶ Comité para la Protección de los Periodistas, [Felipe Soto, periodista de Chile condenado por difamación](#), January 27, 2023; LatAm Journalism Review, [Chile: Periodista Felipe Soto Cortés es condenado por difamación](#), January 30, 2023.

⁹⁸⁷ Chilean Association of Journalists, [Colegio de Periodistas de Chile for the conviction of the director of the penquista media](#), January 24, 2023.

⁹⁸⁸ Inter American Press Association, [IAPA rejects defamation sentence against journalist in Chile](#), January 31, 2023.

⁹⁸⁹ La Voz de Maipú, [Cathy Barriga y la querrela contra Paulina de Allende-Salazar por injurias y calumnias: en que va el caso](#), April 13, 2023; Biobio Chile, [Paulina de Allende gana juicio a Cathy Barriga tras querrela por injurias: "Hubo un show mediático"](#), April 19, 2023.

⁹⁹⁰ EMOL, [En medio de querrela de Cathy Barriga: Dictan orden de arresto en contra de José Antonio Neme, Diana Bolocco y Roberto Saa](#), April 17, 2023; La Cuarta, [Por querrela de Cathy Barriga: decretan orden de arresto contra Diana Bolocco, José Antonio Neme y Roberto Saa](#), April 17, 2023.

⁹⁹¹ Resumen, [La absolución de Paulina de Allende y la caída de un "show mediático" en tribunales contra el libre ejercicio periodístico](#), April 20, 2023; EMOL, ["Show mediático" y "es el inicio": Lo que dijeron Paulina de Allende y Cathy Barriga tras la absolución judicial de la periodista](#), April 21, 2023.

⁹⁹² X account of the Observatorio del Derecho a la Comunicación (@OdcChile), [April 17, 2023](#); La Hora, [Querrela Cathy Barriga: decretan orden de detención en contra de José Antonio Neme, Diana Bolocco y Roberto Saa](#), April 17, 2023.

⁹⁹³ La Nación, [Carabinero ganó juicio contra medio Interferencia por ser vinculado al robo de madera: Periodista Víctor Herrero fue declarado culpable](#), May 18, 2023; Diario Constitucional, [Queda a firme condena a Interferencia por el delito de calumnias e injurias graves con publicidad en contra de Comandante de Carabineros destinado en Macrozona Sur](#), June 2, 2023.

⁹⁹⁴ ADN, [Declaran culpable a director de medio tras vincular a Jefe de Inteligencia de Carabineros con robo de madera](#), May 18, 2023; CNN, [Sentencian a Interferencia a pagar \\$700 mil por injurias graves tras vincular a comandante de Carabineros con robo de madera](#), May 23, 2023.

⁹⁹⁵ Reporters Without Borders Spanish-language X account (@RSF_esp), [19 May 2023](#).

⁹⁹⁶ X account of the Observatorio del Derecho a la Comunicación (@OdcChile), [May 19, 2023](#).

⁹⁹⁷ Interferencia, [Luzca condena a Interferencia a multas por supuestas injurias en contra de ex jefe de inteligencia de Carabineros en la Araucanía](#), May 23, 2023.

the conviction⁹⁹⁸. The Committee to Protect Journalists has urged Chilean authorities not to contest the appeal and to stop using criminal defamation laws to threaten members of the press with fines and prison sentences for their reporting, arguing that defamation should not be treated as a criminal matter, and that such laws have no place in a democracy⁹⁹⁹.

405. In addition, this Office has received information on other ways in which the work of journalists has been limited. In April, journalist Paulina de Allende Salazar was fired from *Megamedia* for a term she used during a live broadcast, which she quickly retracted, in reference to a Carabinero after his death¹⁰⁰⁰. The journalist was fired hours after a high-ranking Carabinero declared at a press conference that the agency would not release any statement to the press if Paulina de Allende Salazar was present¹⁰⁰¹. Several Chilean journalists noted their concerns about the freedom of expression situation following the journalist's dismissal¹⁰⁰². The Chilean Association of Journalists also issued a statement alleging that the dismissal reinforces "stigmatizing speeches against journalists" and affects the right to information of the citizenry¹⁰⁰³.

406. The Rapporteurship has expressed its concern regarding the use of criminal defamation laws against journalists for the purpose of protecting the honor or image of public officials. In the hemisphere, practice has shown that on multiple occasions public figures or those involved in matters of public interest resort to the use of these figures as a mechanism to discourage criticism and limit the scope of a democratic and uninhibited public debate.

407. Both the Commission and the Inter-American Court of Human Rights have considered that expressions concerning public officials or other persons who exercise functions of a public nature must enjoy, in the terms of Article 13(2) of the Convention, a margin of openness to broad debate, essential for the functioning of a truly democratic system¹⁰⁰⁴. This does not mean that the honor of public officials or public persons should not be legally protected, but that it should be protected in accordance with the principles of democratic pluralism¹⁰⁰⁵. As the Court has pointed out, those who influence issues of public interest have voluntarily exposed themselves to a more demanding public scrutiny and, consequently, are exposed to a greater risk of criticism, since their activities leave the domain of the private sphere to enter the sphere of public debate¹⁰⁰⁶.

408. According to the Inter-American Court, criminal prosecution "is the most restrictive measure to freedom of expression, therefore its use in a democratic society should be exceptional and reserved for those eventualities in which it is strictly necessary to protect fundamental legal rights from attacks that damage or endanger them, because otherwise it would be an abuse of the punitive power of the State"¹⁰⁰⁷. For all these reasons, it has understood that "in the case of speech protected by its public interest, such as those referring to the conduct of public officials in the exercise of their functions, the punitive response of the State through

⁹⁹⁸ Committee to Protect Journalists, [Periodista chileno Víctor Herrero multado en caso penal de difamación](#), May 23, 2023; LatAm Journalism Review, [Periodista chileno Víctor Herrero multado en caso penal de difamación](#), May 24, 2023.

⁹⁹⁹ Diario Constitucional, [Juzgado de Garantía de Santiago condena al pago de una multa de 11 UTM a autor de injurias graves por escrito con publicidad](#), May 23, 2023; Committee to Protect Journalists, [Periodista chileno Víctor Herrero multado en caso penal de difamación](#), May 23, 2023.

¹⁰⁰⁰ Megamedia X account (@meganoticiaasscl), [April 6, 2023](#); As, [La drástica decisión de Mega con Paulina de Allende](#), April 6, 2023.

¹⁰⁰¹ T3 / Youtube, ["No puede estar acá": General exige que se retire periodista que trató de "paco" a cabo asesinado](#), April 6, 2023; Biobio Chile, [Molestia en Carabineros: General veta a Paulina de Allende Salazar por decir 'paco' en despacho](#), April 6, 2023.

¹⁰⁰² X account of Faride Zeran (@ZeranFaride), [April 6, 2023](#); Patricia Politzer X account (@PatriciaPolitz), [April 6, 2023](#).

¹⁰⁰³ X account of the Chilean Association of Journalists, [April 6, 2023](#).

¹⁰⁰⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 45; I/A Court H.R., Case of Herrera Ulloa v. Costa Rica, Preliminary Objections, Merits, Reparations and Costs, Judgment of July 2, 2004, Series C No. 107, para. 128.

¹⁰⁰⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 45; IACHR, Case of Herrera Ulloa v. Costa Rica, Preliminary Objections, Merits, Reparations and Costs, Judgment of July 2, 2004, Series C No. 107, para. 128/.

¹⁰⁰⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 49.

¹⁰⁰⁷ I/A Court H.R., Case of Álvarez Ramos v. Venezuela, Preliminary Objection, Merits, Reparations and Costs, Judgment of August 30, 2019, Series C No. 380, para. 121.

criminal law is not conventionally appropriate to protect the honor of the official"¹⁰⁰⁸. This is due to the fact that the use of criminal law for disseminating news of this nature would directly or indirectly produce an intimidation that, ultimately, would limit freedom of expression and would prevent submitting to public scrutiny conducts that violate the legal system, such as, for example, acts of corruption, abuses of authority, etc.¹⁰⁰⁹.

409. With regard to comments by state entities and representatives against journalists, the IACHR has recommended that public officials should take care to ensure that their comments are accurate, avoid stigmatizing and discrediting the media by resorting to labels that refer to so-called "fake news" or other labels that discredit the media, and not threaten journalists or undermine respect for the independence of the media¹⁰¹⁰.

410. In January, the Court of Appeals of Santiago, when considering the case of Nicolás Sepúlveda, an investigative journalist, determined that the journalist should remove publications from social networks in which he exposed and denounced death threats directed at an ex-conventional by a private individual. In doing so, the Court cited a Supreme Court decision that establishes that freedom of expression is not absolute and, as such, is limited by the right to a good name that corresponds to those affected by "dishonorable expressions" on social networks¹⁰¹¹. The Observatorio del Derecho a la Comunicación responded to this ruling with concerns about its restrictions on freedom of expression and support for Sepúlveda¹⁰¹².

411. In September 2022, this Office participated in interviews with representatives from three Chilean universities to support the development of a report entitled "More Breadth, More Voices, More Democracy: Contributions for the Communications of the Chile to Come." The report, published in January 2023, summarized the views of several leaders in the Chilean communications field, as well as representatives of national and international organizations, and articulated recommendations on several topics, including journalism and citizenship, press systems and democracy, and digital communications¹⁰¹³.

412. The State listed challenges and obstacles to the exercise of freedom of expression in electoral contexts, such as the regulation of digital platforms, the spread of disinformation, online violence and harassment and access to information, on which it is developing initiatives and efforts, such as updates to electoral laws, regulation of digital platforms and combating disinformation¹⁰¹⁴, as well as access to public information and transparency in public service¹⁰¹⁵. It also reported the creation of an Advisory Commission to study the phenomenon of disinformation and its effects in Chile, to carry out a diagnosis and make suggestions for future public policies and suggestions to improve digital literacy¹⁰¹⁶.

¹⁰⁰⁸ I/A Court H.R., Case of Álvarez Ramos v. Venezuela, Preliminary Objection, Merits, Reparations and Costs, Judgment of August 30, 2019, Series C No. 380, para. 121.

¹⁰⁰⁹ I/A Court H.R., Case of Álvarez Ramos v. Venezuela, Preliminary Objection, Merits, Reparations and Costs, Judgment of August 30, 2019, Series C No. 380, para. 122.

¹⁰¹⁰ OAS, Guide to Guarantee Freedom of Expression in the Face of Deliberate Disinformation in Electoral Contexts, 2019, OEA/Ser.D/XV.22, p. 38 and 39.

¹⁰¹¹ El Desconcierto, [Periodista de Ciper obligado a borrar tweet-denuncia de amenaza de muerte a exconvencional](#), January 25, 2023; Diario Constitucional, [Periodista de CIPER debe borrar de su cuenta de twitter afirmaciones que aluden a que el recurrente amenazó a la ex convencional Manuela Royo, por vulnerar su derecho a la honra y a la propia imagen](#), January 25, 2023.

¹⁰¹² X account of the Observatorio del Derecho a la Comunicación (@OdcChile), [January 26, 2023](#).

¹⁰¹³ University of Chile, [More breadth, more voices, more democracy](#), January 2023; El Mostrador, [More breadth, more voices, more democracy](#), January 28, 2023.

¹⁰¹⁴ Information sent by the State of Chile in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 219/23, September 8, 2023, p.22 and 23.

¹⁰¹⁵ Information sent by the State of Chile in response to RELE's request for information in the context of the preparation of the Annual Report, Note No. 219/23, September 8, 2023, p. 23.

¹⁰¹⁶ Information sent by the State of Chile in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 219/23, September 8, 2023, p. 31.

413. It also reported on efforts undertaken for the development of a protocol for the protection of human rights defenders and for the construction of a comprehensive policy for the protection of human rights defenders, including journalists and communicators¹⁰¹⁷.

B. Freedom of expression, rule of law and democratic institutions

414. This office has also been monitoring legislation and constitutional reform regarding freedom of expression in Chile. The Chilean legislature is considering a bill to provide guarantees of safety and protection for journalists and other media workers. The bill was drafted by journalist Mauricio Weibel with the support of several civil society organizations¹⁰¹⁸. A sponsor of the bill cited the death of Chilean photojournalist Francisca Sandoval last year as evidence of the need to advance the protection of journalists¹⁰¹⁹. After an initial approval by the Culture, Arts and Communications Commission of the Chamber of Deputies, the Chamber of Deputies approved the idea of legislating on the initiative that promotes the safety of journalists and communications workers in the performance of their work, so it continues its legal course to the Senate¹⁰²⁰. While this is an important step forward, RELE continues to reinforce the need to improve the protection of journalists in the country.

415. According to the State, in January 2023, the Undersecretariat for Human Rights organized and carried out the Participatory Dialogues for Human Rights Defenders, with regard to journalists and communicators, the following threats and risks that especially affect them were identified: "(i) seizure of property of journalists/communicators (including tapes); (ii) destruction of material and equipment; (iii) increased detention of women communicators; (iv) violation of the source of information; (v) threats and intimidation of women journalists and communicators pursuing censorship and self-censorship; and, (iv) concession systems and barriers to entry to the radio spectrum, among others". In addition, students (trainees, high school and university students); journalists and independent communicators (not associated with the media); and graphic reporters were identified as the most at-risk actors¹⁰²¹.

416. In 2023, an Expert Commission was convened as part of the constitutional reform process in Chile¹⁰²². Gustavo Gómez, Executive Director of ObservaCom, alleges that the articles on freedom of expression being considered by the Expert Commission, as it maintains the terms of the current constitution, do not comply with Inter-American standards, as it does not recognize the right to seek and receive information and ideas¹⁰²³. RELE urges that, according to Article 13 of the ACHR, the right to freedom of thought and expression includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of one's choice¹⁰²⁴.

417. In May, the Expert Commission charged with drafting a new constitution for Chile considered several articles that would promote freedom of expression. Under the new articles, the language of the freedom of religion clause would be expanded to include additional forms of worship, ritual observances, and practices

¹⁰¹⁷ Information sent by the Permanent Mission of Chile to the Organization of American States in response to RELE's request for information in the framework of the preparation of the Annual Report, No. 219/23, Información para informe anual 2023 - Relatoría para la libertad de expresión, September 8, 2023, p. 12 Archivo de la Relatoría Especial.

¹⁰¹⁸ Pressenza, [Chile: Avanzó proyecto para protección de periodistas y trabajadores de la comunicación](#), March 12, 2023; PRNoticias, [Chile: Impulsan ley para la protección a periodistas y trabajadores de la prensa](#), March 28, 2023.

¹⁰¹⁹ Ministry General Secretariat of Government (MSGG), [Bill to protect communications workers advanced in Congress: the House Culture Committee approved it and sent it to the Chamber](#), March 6, 2023.

¹⁰²⁰ Chamber of Deputies, [General approval of the creation of the statute for the protection of journalists and communicators](#), July 31, 2023; LatAm Journalism Review, [Chilean Chamber of Deputies approved bill to regulate safety of journalists and communications workers](#), October 12, 2023.

¹⁰²¹ Information sent by the State of Chile in response to RELE's request for information in the context of the preparation of the Annual Report, Note No. 219/23, September 8, 2023, p. 12.

¹⁰²² Reuters, [Chile inicia segundo intento de redactar nueva constitución](#), March 6, 2023; El País, [Nueva Constitución en Chile: cómo sigue el proceso constituyente hasta el plebiscito de salida de diciembre](#), October 23, 2023.

¹⁰²³ X account of Gustavo Gómez (@gusgomezgermano), [April 6, 2023](#).

¹⁰²⁴ American Convention on Human Rights, Article 13.

and teachings. The new articles would also affect the rights of parents and guardians to choose the religious, spiritual, and moral education their children receive¹⁰²⁵.

418. Despite this, RELE observes with caution amendments to the draft constitutional bill that allegedly jeopardize artistic creation, freedom of expression and broad access to diverse manifestations of culture, as warned by civil society¹⁰²⁶. In this regard, this Office reiterates that prior censorship, interference or direct or indirect pressure on any expression, opinion or information disseminated through any means of oral, written, artistic, visual or electronic communication should be prohibited by law. Restrictions on the free circulation of ideas and opinions, as well as the arbitrary imposition of information and the creation of obstacles to the free flow of information, violate the right to freedom of expression¹⁰²⁷.

419. Another situation of concern to this Office are reports of police responses to protests in Chile and actions by the Chilean government involving the use of force by law enforcement officials. In March, a student protest called the *Mochilazo Estudiantil* (*Student Mochilazo*) was called to demand improvements in infrastructure and the resignation of the Minister of Education. The protest was met with resistance from police forces. The Chilean Carabineros alleged that the protesters began throwing Molotov cocktails and rocks at the Carabineros on the scene and then set fire to a tire in the street. The Carabineros then began spraying the protesters with water and tear gas¹⁰²⁸.

420. Also in May, six Carabineros were designated as "Blue Helmets," human rights observers for the Day of the Young Combatant, a day of demonstrations to commemorate the crimes of the Pinochet dictatorship. The Blue Helmets were designated to serve as human rights observers for the public, as well as guides for other Carabineros on the appropriate use of force¹⁰²⁹. However, the State reported that it is working on human rights training for police function and public order protocols, including draft legislation for rules for the use of force, which is based on the principles of legality, necessity, proportionality, responsibility and rationality in the use of force¹⁰³⁰.

421. In April, the Chilean legislature enacted the Naín-Retamal Law, a combination of two previous bills, each named after a Carabinero who died in the line of duty¹⁰³¹. The law establishes legal protections for law enforcement officers who use their weapons and increases penalties for those who act against them¹⁰³². While the law was being considered by the Chilean legislature, the Inter-American Commission on Human Rights called on Chile to ensure a transparent and participatory process to reform the legislation¹⁰³³. International human rights organizations have criticized the law as having the potential to increase police abuse and impunity¹⁰³⁴, and the United Nations expressed concern that the law would be especially problematic in the context of protests, where the use of weapons is very dangerous¹⁰³⁵. The Director of the

¹⁰²⁵ Aciprensa, [Avanzan protecciones a la libertad religiosa en proceso para nueva Constitución en Chile](#), May 19, 2023; CIPER, [Nueva Constitución y libertad religiosa: trato de excepción y disputa por la «conciencia»](#), August 18, 2023.

¹⁰²⁶ CIPER, [Nueva Constitución y Cultura: El retorno de la censura](#), September 8, 2023; El País, [Derechos culturales, tradición y buenas costumbres: un retroceso preocupante](#), September 6, 2023.

¹⁰²⁷ IACHR, Declaration of Principles on Freedom of Expression, 2000.

¹⁰²⁸ Deutsche Welle (DW), ["Mochilazo estudiantil" deja choques con Policía de Chile](#), March 10, 2023; T13, ["Mochilazo estudiantil" cierra con choques con Carabineros de Chile](#), March 10, 2023.

¹⁰²⁹ 24 Horas, [¿Quiénes son los 'cascos azules' de Carabineros que debutarán este Día del Joven Combatiente?](#), March 29, 2023; La Tercera, [Cascos Azules de Carabineros debutan en despliegue de la policía uniformada por Día del Joven Combatiente](#), March 29, 2023.

¹⁰³⁰ Information sent by the State of Chile in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 219/23, September 8, 2023, p. 15-17. Archive of the Office of the Special Rapporteur.

¹⁰³¹ La Tercera, [¿De qué se trata la Ley Naín-Retamal? Conoce los puntos clave de la norma para proteger a Carabineros](#), April 6, 2023; Senado de la República de Chile, [Ley Naín-Retamal ya una realidad](#), April 6, 2023.

¹⁰³² La Tercera, [Estudiantes secundarios realizan protesta contra Ley Nain-Retamal en la Alameda: piden que se derogue](#), April 12, 2023; El Mostrador, [Estudiantes se manifiestan en sector de la Alameda contra Ley Naín-Retamal](#), April 12, 2023.

¹⁰³³ IACHR, [IACHR calls on Chile to guarantee a participatory process to reform laws on the use of force](#), Press Release No. 055/2023, April 4, 2023.

¹⁰³⁴ Amnesty International, [Chile: Proyecto de ley de legítima defensa privilegiada podría aumentar los abusos policiales y la impunidad por estos crímenes](#), March 30, 2023; Diario Uchile, [Amnesty International warns that Nain-Retamal project could increase police abuses](#), March 31, 2023.

¹⁰³⁵ Cooperativa, [ONU: La "Ley Naín-Retamal" no se ajusta al estándar internacional de derechos humanos](#), March 31, 2023; El Mostrador, [ONU alerta por "legítima defensa privilegiada" de Ley Naín-Retamal: "No se ajusta al derecho internacional"](#), March 31, 2023.

National Institute of Human Rights issued a statement criticizing the law, warning that it could "favor police impunity"¹⁰³⁶. Weeks later, a student protest demanding the repeal of the Nain-Retamal Law was met with the use of force by the police¹⁰³⁷.

422. The Office of the Special Rapporteur has pointed out that States must ensure the enjoyment of the rights to freedom of expression, assembly and association to all persons and to all types of organizations and associations without the need for authorization. Establish by law, clearly and explicitly, the presumption in favor of the lawfulness of demonstrations and peaceful protest, which implies that security forces should not act under the assumption that they constitute a threat to public order¹⁰³⁸.

C. Freedom of expression and the fight against discrimination and exclusion

423. The State highlighted the need to generate strategies and public policies aimed at eradicating hate speech in public spaces, mass media or social networks and to provide protection to LGTBIQA+ persons against discrimination, both in the public and private sectors, through the effective criminal prosecution of aggressors¹⁰³⁹. It also reported on the launching of the Fourth National Equality Plan, which establishes 51 goals focused on four specific groups: migrant women, rural women, women of indigenous peoples and Afro-descendants, and women of gender diversity.

424. In addition, in the fight against discrimination and exclusion, the State reported that it is working to strengthen community media, in conjunction with the Undersecretariat of Telecommunications of the MTT ("SUBTEL")¹⁰⁴⁰, with measures to promote digital radio and television broadcasting, with emphasis on community and citizen media¹⁰⁴¹, including through a bill to decriminalize unauthorized radio broadcasting (Bulletin No. 01456-15)¹⁰⁴² and other initiatives, such as: working tables with radio stations and television channels, Expansion of the FM band, Funds to finance transmission systems, analysis of pre-feasibilities for community digital television concessions, among others¹⁰⁴³.

D. Freedom of expression and the Internet

425. The digital divide is one of the challenges facing Chile in terms of freedom of expression and internet, and has been the subject of efforts by companies and the State through public policies¹⁰⁴⁴. Currently, the government has several digital infrastructure projects underway, such as the national digital literacy plan, the zero digital divide plan, and actions in the educational field to reduce the digital divide and governance of the digital space, internet access and digital literacy¹⁰⁴⁵. However, there is an additional challenge beyond disconnection, since even many of those who are connected are not optimally connected. According to Subtel's IX Internet Access and Usage Survey, only 56% of households in Chile have access to fixed Internet¹⁰⁴⁶.

¹⁰³⁶ DiarioUChile, [Directora del INDH critica Ley Naín-Retamal: "Podría favorecer la impunidad."](#), April 2, 2023; CNN, [Directora del INDH por Ley Nain-Retamal: "Legislar a la rápida es peligroso y no va a solucionar el problema de seguridad"](#), April 3, 2023.

¹⁰³⁷ Biobio Chile, [Secundarios protestaron con incidentes en la capital: exigen derogar la ley Naín-Retamal](#), April 12, 2023; La Tercera, [Estudiantes secundarios realizan protesta contra Ley Nain-Retamal en la Alameda: piden que se derogue](#), April 12, 2023.

¹⁰³⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 331.

¹⁰³⁹ Information sent by the State of Chile in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 219/23, September 8, 2023, p. 39.

¹⁰⁴⁰ Information sent by the State of Chile in response to RELE's request for information in the context of the preparation of the Annual Report, Note No. 219/23, September 8, 2023, p. 13.

¹⁰⁴¹ Information sent by the State of Chile in response to RELE's request for information in the context of the preparation of the Annual Report, Note No. 219/23, September 8, 2023, p. 27.

¹⁰⁴² Information sent by the State of Chile in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 219/23, September 8, 2023, p.7. Archive of the Office of the Special Rapporteur.

¹⁰⁴³ Information sent by the State of Chile in response to RELE's request for information in the context of the preparation of the Annual Report, Note No. 219/23, September 8, 2023, p. 15.

¹⁰⁴⁴ Inter-American Development Bank, [Diagnosis of the digital inclusion gaps in Chile](#), February 2021.

¹⁰⁴⁵ Information sent by the State of Chile in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 219/23, September 8, 2023, p. 31.

¹⁰⁴⁶ El Mostrador, [The digital divide continues to be a challenge in the country](#), May 22, 2023.

426. In addition, as reported by the State, there are legislative initiatives and public policies aimed at regulating the functioning of the Internet, with impact on freedom of expression, such as a bill on personal data protection, a bill to establish a framework for cybersecurity and critical information infrastructure, a work agenda to discuss disinformation and its effects on democracy, and for communication and information (of the Ministry General Secretariat of Government (MSGG) together with UNESCO), in addition to a memorandum of understanding between MSGG and UN Women for a gender perspective¹⁰⁴⁷.

¹⁰⁴⁷ Information sent by the State of Chile in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 219/23, September 8, 2023, p. 21. Archive of the Office of the Special Rapporteur.

COLOMBIA

427. In 2023, the Office of the Special Rapporteur recorded the murder of one journalist in Colombia. Journalism continues to be a risky profession in the country. The office's monitoring allowed it to learn of several cases of threats in which illegal groups asked journalists to stop reporting on events related to matters of public interest. In addition, RELE received reports of stigmatizing speeches by the president, government officials and other political leaders against the media and journalists. The Office also became aware of a decree that could affect, according to public information, the full journalistic coverage of the October 2023 electoral process. The Office also learned of judicial decisions that advanced in the protection of journalists in the country, as well as rulings of the Constitutional Court that were aimed at protecting freedom of the press and guaranteeing the safety of journalists, both online and offline.

A. Journalism and democracy

428. In 2023, journalistic work continues to face risks in Colombia. The Office recorded the murder of journalist Luis Gabriel Pereira, in the town of Ciénaga de Oro, department of Córdoba¹⁰⁴⁸. Pereira was the director of a news page on the social network Facebook and according to media reports, he was investigating issues related to murders of women¹⁰⁴⁹. Interior Minister Luis Fernando Velasco publicly rejected the murder¹⁰⁵⁰.

429. The State has stated that they have the National Development Plan 2022-2026 "Colombia World Power of Life", which was issued through Law 2294 of 2023, which will allow the government to provide all the guarantees for the exercise of the rights to freedom of expression, mobilization and social protest, the right to defend rights, in particular the rights to territory and a healthy environment, access to public information and freedom of the press.

430. In this regard, the Rapporteurship recalls that attacks and aggressions committed against journalists violate the right to freedom of expression in both its individual and collective dimension and cannot be tolerated in a democratic society. The Rapporteurship recalls that Principle 9 of the Declaration of Principles on Freedom of Expression of the IACHR states that "[t]he murder, kidnapping, intimidation, threats to social communicators, as well as the material destruction of the media, violate the fundamental rights of individuals and severely restrict freedom of expression. It is the duty of the States to prevent and investigate these acts, punish the perpetrators and ensure adequate reparation to the victims".

431. On the other hand, the work of journalists has also been affected by events in which they have been prohibited from covering information of public interest. The Rapporteurship learned, through public information, of the complaint of journalist Valesca Alvarado, of *La FM*, who on February 9 stated that the National Police had prohibited her from entering to cover a demonstration in Parque La Paz, in Bogota. This fact was rejected by the Foundation for Press Freedom (FLIP)¹⁰⁵¹.

432. Another precedent has to do with the case of photojournalist Ernesto Che Mercado, who reported on March 24 that while covering a demonstration in the vicinity of the National University in Bogota, he was attacked by the Mobile Anti-Riot Squad (ESMAD) of the Police.

433. The Rapporteurship emphasizes that there is a strong interconnection between the right to protest and the right to freedom of expression and the right to assembly; therefore, it is important that States guarantee that the press can report on these events of public interest and avoid actions against journalists covering in the context of protests. This office has reiterated that the right to protest is strongly associated with activities in defense of human rights, including demands for recognition, protection or exercise of a right, as

¹⁰⁴⁸ X Felcoper account (@FELCOPER), [May 9, 2023](#).

¹⁰⁴⁹ El País, [Asesinado un periodista que investigaba la muerte de mujeres en Ciénaga de Oro, un municipio acechado por el narcotráfico](#), May 10, 2023.

¹⁰⁵⁰ El Heraldo, [Minister Luis Fernando Velasco regrets death of journalist in Córdoba](#), May 11, 2022.

¹⁰⁵¹ FLIP, [Journalist was victim of intimidation and gender-based violence in Bogotá](#), February 10, 2023.

well as with the promotion and defense of democracy¹⁰⁵². Finally, the Rapporteurship emphasizes that protest as a form of participation in public affairs is especially relevant for groups of people historically discriminated against or in conditions of marginalization¹⁰⁵³.

434. The Office also learned of threats against journalists in various regions of the country. One of the cases has to do with dozens of journalists who received threats in the department of Putumayo, who even since August 2022 began to receive intimidations¹⁰⁵⁴.

435. A similar situation occurred in the municipality of Barrancas, department of La Guajira, where six journalists reported threats against their lives because of their work. According to public information, the threats were made by illegal groups operating in this coal mining area of the country¹⁰⁵⁵.

436. According to local media information, the intimidations were made known through a pamphlet that circulated in the region where the journalists work¹⁰⁵⁶. This type of conduct, according to FLIP, was also evidenced in the municipality of Plato, in the department of Magdalena, in May 2023¹⁰⁵⁷.

437. Another case of threats against journalists and media outlets was reported in Barranquilla, where armed men reportedly entered the offices of the newspaper *El Herald* and intimidated its journalists¹⁰⁵⁸.

438. The Office also learned of threats against journalist María Alejandra Villamizar by the guerrilla leader of the National Liberation Army (ELN) through social networks¹⁰⁵⁹. The guerrilla leader's account was suspended. President Petro rejected these intimidating messages¹⁰⁶⁰.

439. The Office also monitored threats against the coordinator of Emisora de Paz in the municipality of Algeciras, department of Huila, Germán Hernández Vera. Through an intimidating pamphlet, the dissidents of the demobilized FARC guerrillas allegedly threatened him for his work, so Hernández Vera decided to leave the area to protect his life and integrity¹⁰⁶¹. According to local media information, the Police received the complaint to advance the investigation together with the Attorney General's Office.

440. Likewise, journalist Camila Zuluaga denounced that she was being followed by supporters of the president¹⁰⁶². The journalist read a letter in which she exposed the dangers they represent for her and her family. President Petro, in response to the situation, published in his Twitter account: "I ask citizens not to record journalists in the exercise of their work or in any way"¹⁰⁶³.

441. In November, the Rapporteurship learned of a series of threats and harassment against the journalist of Noticias RCN (television), Viviana Llorente, following her investigation "Pasión mortal", on the wave of violence in Cali between the bars of the soccer team América de Cali and Deportivo Cali¹⁰⁶⁴. According

¹⁰⁵² IACHR, Office of the Special Rapporteur for Freedom of Expression, Social Protest and Human Rights, OEA/Ser.L/V/II IACHR/RELE/INF.22/19. September 2019, paras 2-4.

¹⁰⁵³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Social Protest and Human Rights, OEA/Ser.L/V/II IACHR/RELE/INF.22/19. September 2019, para. 23.

¹⁰⁵⁴ FLIP, [Putumayo journalists ask to be left out of the war](#), March 7, 2023.

¹⁰⁵⁵ La Guajira Hoy, [Amenazan de muerte a cinco periodistas de Barrancas](#), August 9, 2023.

¹⁰⁵⁶ La Guajira Hoy, [Aumentan a seis las amenazas a periodistas en Barrancas](#), August 29, 2023.

¹⁰⁵⁷ FLIP X Account, [May 9, 2023](#).

¹⁰⁵⁸ FLIP, [Hombres armados entran a la redacción de El Herald e intimidan a sus periodistas](#), March 28, 2023.

¹⁰⁵⁹ El País, [ELN leader Antonio García intimidates María Alejandra Villamizar for a column in EL PAÍS](#), 4 April 2023.

¹⁰⁶⁰ Gustavo Petro's X account (@petrogustavo), [April 4, 2023](#).

¹⁰⁶¹ La Nación, [Disidencias habrían amenazado a coordinador de Emisora de Paz en Algeciras](#), April 6, 2023.

¹⁰⁶² X account of Camila Zuluaga (@ZuluagaCamila), [May 31, 2023](#); Infobae, [Fiscalía abrió investigación tras denuncias de Camila Zuluaga sobre seguimientos](#), May 31, 2023.

¹⁰⁶³ Gustavo Petro's X account (@petrogustavo), [May 31, 2023](#).

¹⁰⁶⁴ FLIP, [La FLIP rechaza amenazas de muerte contra Viviana Llorente, periodista de Noticias RCN](#), November 30, 2023; El Tiempo, [Denuncian grave amenaza de barra brava de América de Cali a una periodista de deportes](#), November 29, 2023.

to the information received, unknown individuals posted a threatening message on RCN's premises in which they warned the journalist¹⁰⁶⁵.

442. In this regard, the state representation has indicated that within the framework of the actions of the National Human Rights System, the Presidential Advisory Office for Human Rights and IHL has developed processes of dialogue and accompaniment to journalists and persons threatened for exercising their right to expression, in order to streamline the procedures of risk analysis, adoption of protection measures and investigations by the competent authorities.

443. The IACHR and its Office of the Special Rapporteur have understood that attacks, threats and intimidation against journalists are intended to be "a tool that sends a clear message to all those in civil society who investigate irregularities in public administration. This practice seeks to make the press, as a control mechanism, keep silent or become an accomplice of those persons or institutions that carry out abusive or illegal acts or deeds. Ultimately, what is sought is to prevent society from being informed of these events at all costs"¹⁰⁶⁶. It is the duty of the States to investigate these acts, punish the perpetrators and provide the necessary protection measures in those cases that require it.

444. The press has also been the target of stigmatizing remarks by public officials, including the President of the Republic. According to documented information, on April 2, 2023, from an event in Buenaventura, Valle del Cauca, the president assured that the "media have carried out a merciless campaign against the Government"¹⁰⁶⁷.

445. Likewise, on March 13, 2023, through the social network Twitter, the president described the publication of a photograph of his daughter by the portal *La Silla Vacía*¹⁰⁶⁸ as a "dirty trick". FLIP made a statement on the issue, highlighting that the Presidency lacks guidelines for the use of institutional channels by its top officials¹⁰⁶⁹. In the context of the various alerts issued by the media, journalists and civil society, President Petro assured that "no one will prevent the media from their right to express themselves freely, but no one will take away our freedom and right to express ourselves as a government of change"¹⁰⁷⁰.

446. The Rapporteurship also learned that FLIP filed a disciplinary complaint with the Attorney General's Office against Congressman Miguel Polo Polo, for alleged stigmatizing messages against the press. According to FLIP, the Attorney General's Office should take into account that the statements made by Congressman Polo Polo affect the right to freedom of expression and the environment for the practice of journalism in Colombia¹⁰⁷¹. The congressman's messages were against journalist Cecilia Orozco and Noticias UNO, whom he described as "yellow, liars and not very rigorous"¹⁰⁷².

447. Another case related to stigmatization had to do with the accusations allegedly made by former Colombian President Álvaro Uribe Vélez against journalist Daniel Coronell, whom the former president accused of being financed by drug traffickers, of biased journalism and of committing crimes¹⁰⁷³.

448. Another case is that of journalist Diana Salinas, of the media Cuestión Pública, who reported that she received intimidating and stigmatizing messages from former President Uribe and Senator María

¹⁰⁶⁵ FLIP, [La FLIP rechaza amenazas de muerte contra Viviana Llorente, periodista de Noticias RCN](#), November 30, 2023; El Tiempo, [Denuncian grave amenaza de barra brava de América de Cali a una periodista de deportes](#), November 29, 2023.

¹⁰⁶⁶ IACHR, [Background and Interpretation of the Declaration of Principles](#), 2000.

¹⁰⁶⁷ La FM, ["Medios han hecho una campaña contra el Gobierno, inmisericorde": Gustavo Petro](#), April 2, 2023.

¹⁰⁶⁸ Gustavo Petro's X account, [March 14, 2023](#).

¹⁰⁶⁹ FLIP X account (@FLIP_org), [March 14, 2023](#).

¹⁰⁷⁰ Gustavo Petro's X account (@petrogustavo), [June 11, 2023](#); El Tiempo, [Presidente dice que respeta libertad de prensa, pero mantendrá su derecho a expresarse](#), June 12, 2023.

¹⁰⁷¹ FLIP X account (@FLIP_org), [March 29, 2023](#).

¹⁰⁷² El Cronista, [El fuerte rifirrafe entre Polo Polo y Cecilia Orozco Tascón](#), March 29, 2023.

¹⁰⁷³ FLIP, [Rechazamos las acusaciones de Álvaro Uribe contra el periodista Daniel Coronell](#), March 31, 2023.

Fernanda Cabal of the Democratic Center (the former president's party)¹⁰⁷⁴. According to public information, this happened after the media published information related to Uribe Vélez¹⁰⁷⁵.

449. For its part, the Colombian State stated that it is conducting training sessions in non-formal education, within the framework of the National Human Rights Education Plan (PLANEDH), on the ABCs of human rights and IHL, including, among other topics, the scope of the right to freedom of opinion and expression, aimed at different sectors of the population and public officials.

450. This Office appreciates all State efforts to build the capacity of public officials and reiterates that they should ensure that their comments are accurate, avoid stigmatizing and discrediting the media by using labels that refer to so-called "fake news" or other discrediting labels, and not threaten journalists or undermine respect for the independence of the media¹⁰⁷⁶.

451. Within this context, in 2023, a group of journalists responded to the president regarding several concerns he expressed about the role and practices of the press in Colombia¹⁰⁷⁷. These concerns included alleged slander by the media against the president, the right of reply to false information, funding for independent media, and informational pluralism as a constitutional principle. In their response, the journalists reaffirmed their commitment to journalistic ethics, the importance of distinguishing between opinion and accurate information, and defended press freedom against presidential critiques and inquiries. They emphasized the importance of maintaining a respectful dialogue between the government and the media to strengthen democracy¹⁰⁷⁸.

452. The Rapporteurship also learned of the case of journalist Laura Ardila, whose book "La costa nostra", in which she investigates the Char family, located on the Caribbean Coast of Colombia, was not published by the Planeta publishing house. In this case, FLIP denounced "judicial harassment" after the alleged act of censorship when the book was not published by this publisher¹⁰⁷⁹. Subsequently, the book was published by the publishing house Rey Naranjo Editores¹⁰⁸⁰.

453. The Rapporteurship recalls that, according to Principle 5 of the Declaration of Principles of the IACHR, "[p]rior censorship, interference or direct or indirect pressure on any expression, opinion or information disseminated through any means of oral, written, artistic, visual or electronic communication must be prohibited by law. Restrictions on the free flow of ideas and opinions as well as the arbitrary imposition of information and the creation of obstacles to the free flow of information violate the right to freedom of expression¹⁰⁸¹".

454. This Office became aware of Decree 107 of 2024 of the Ministry of the Interior, which, according to public reports, established measures contrary to freedom of the press and freedom of expression, related to the prohibition to conduct interviews for political or electoral purposes. For example, the use of cell phones and cameras was prohibited during the eight hours of election day and the prohibition for the media to only give public order information confirmed by official sources¹⁰⁸², particularly on the election day of October 29¹⁰⁸³.

¹⁰⁷⁴ Cuenta de X by María Fernanda Cabal (@MariaFdaCabal), [April 3, 2023](#).

¹⁰⁷⁵ X account of Diana Salinas (@DianaSalinasP), [April 3, 2023](#).

¹⁰⁷⁶ OAS, Guide to guarantee freedom of expression in the face of deliberate disinformation in electoral contexts, OEA/Ser.D/XV.22, 2019, p. 38-39.

¹⁰⁷⁷ El País, [Los periodistas le responden al presidente](#), October 11, 2023.

¹⁰⁷⁸ El País, [Los periodistas le responden al presidente](#), October 11, 2023.

¹⁰⁷⁹ Infobae, [La Flip denunció "acoso judicial" tras presunta censura al libro de Laura Ardila](#), July 9, 2023; La Patria, [La periodista Laura Ardila alega censura de Planeta por no publicar libro](#), July 10, 2023.

¹⁰⁸⁰ El Colombiano, [La costa nostra, the book by Laura Ardila that Planeta censored, is already on presale](#), August 2, 2023; Criterio, [Rey Naranjo Editores to publish 'La Costa Nostra', Laura Ardila's book about the Char](#), July 21, 2023.

¹⁰⁸¹ IACHR, Background and Interpretation of the Declaration of Principles on Freedom of Expression, 2000.

¹⁰⁸² Cambio Magazine, [Interior Ministry decree restricts press coverage for election day: Flip](#), October 24.

¹⁰⁸³ El País, [ELIP warns that a new decree hinders the exercise of the press in regional elections](#), October 24, 2023.

455. The Office of the Special Rapporteur highlights that according to the Chapultepec Index of Freedom of Expression and Press of the Inter-American Press Association, Colombia is "in restriction"¹⁰⁸⁴ to freedom of the press, despite this, it rose one position compared to the barometer presented in 2022.

456. Finally, within the framework of an academic visit to Colombia and a request for technical assistance and advice from the State, between June 27 and July 2, the Office of the Special Rapporteur held meetings with State authorities, civil society organizations and participated in public events in order to learn about the state of freedom of expression and press freedom in the country, and to promote inter-American standards in this area. Likewise, prior to the visit, the Rapporteurship conducted listening sessions with journalists, which allowed it to learn about the main concerns of the press regarding the situation of freedom of expression in the country.

457. After the visit, the State requested the Rapporteurship "the possibility of accessing a document with the inter-American standards and background on Article 13 of the ACHR, which would allow us to guide the competent entities on the matter"¹⁰⁸⁵.

458. In response to the request and in accordance with the conversations held during the visit, the Special Rapporteur's team prepared a document that will serve as an input for government spokespersons to act in accordance with their duties to protect, promote and guarantee the right to freedom of expression, as well as to ensure that they act in accordance with the standards, with regard to the relationship between the government and the Colombian press.

459. The Rapporteurship appreciates the willingness of the Colombian State to create opportunities to improve the relationship between the Government and the press. In this regard, it recalls that, as stated in inter-American jurisprudence, public officials are guarantors of fundamental rights and therefore have special duties of diligence when expressing themselves publicly.

B. Freedom of expression, rule of law and democratic institutionalality

460. In 2023, after 23 years, for the first time a public official who was allegedly linked to the kidnapping of journalist Jineth Bedoya Lima¹⁰⁸⁶ went on trial. According to public reports, on May 16 the trial began against Marco Javier Morantes Pico, the guardian who more than two decades ago received the journalist in La Modelo prison, which later became the kidnapping, torture and sexual violence against the journalist.

461. The Rapporteurship also took cognizance of the decision of the Constitutional Court, in which it concluded that "the fundamental rights to due process and the freedoms of expression, information and press of journalist Victoria Eugenia Dávila Hoyos and RCN were violated"¹⁰⁸⁷. With this decision, the Court issued an important ruling in order to protect the rights of journalists in the country, after a process that lasted at least eight years. Dávila's publication is related to possible irregular actions of a colonel of the National Police, within the framework of a contract to acquire housing and campaign equipment.

462. The Office also learned that the Constitutional Court admitted a lawsuit filed by the organization El Veinte, which seeks to eliminate imprisonment as a penalty for the crime of libel and slander in the Colombian Penal Code¹⁰⁸⁸.

¹⁰⁸⁴ [CHAPULTEPEC INDEX \(indicedechapultepec.com\)](https://www.indicedechapultepec.com/)

¹⁰⁸⁵ Government of Colombia, Diplomatic Note S-DIDHD-23-014588, July 28, 2023.

¹⁰⁸⁶ Cejil, [Después de 23 años, por primera vez va a juicio un funcionario público en relación con el secuestro de Jineth Bedoya Lima](#), 16 de mayo de 2023; FLIP, [Después de 23 años, por primera vez va a juicio un funcionario público en relación con el secuestro de Jineth Bedoya Lima](#), 16 de mayo de 2023.

¹⁰⁸⁷ Semana, [Vicky Dávila y RCN fueron absueltos por la Corte Constitucional: el trascendental fallo protege y garantiza el ejercicio de todos los periodistas en el país](#), January 16, 2023; El Espectador, [Corte Constitucional ratifica que Vicky Dávila no debe pagar multa a Policía](#), January 16, 2023; Corte Constitucional, [Sentencia T-454](#), December 13, 2022.

¹⁰⁸⁸ El Tiempo, [Demanda pide eliminar la prisión como sanción del delito de injuria y calumnia](#), April 8, 2023; El Colombiano, [Corte estudia una demanda que pide que la injuria y calumnia queden por fuera de la cárcel](#), April 16, 2023.

463. Likewise, a FLIP report stated that the State uses spy technologies and software, with the intention of monitoring online activity and taking information from the virtual public space. According to FLIP, the General Command of the Armed Forces intended to acquire a cyber intelligence system, based on artificial intelligence¹⁰⁸⁹.

464. In the area of social protest, this year the IACHR and the State of Colombia agreed on a mechanism to verify compliance with the recommendations to the State regarding respect for social protest. According to the then Rapporteur for Colombia, former Commissioner Joel Hernandez, the call focuses on guaranteeing the right to freedom of expression through the protection of journalists, communicators and media workers¹⁰⁹⁰.

465. In the same vein, the government indicated that a draft Presidential Directive aimed at supporting the work carried out by individuals and organizations that defend human rights and those who exercise social leadership is under review, recognizing that, in addition to ensuring the guarantee of human rights, they are a fundamental pillar for the consolidation of peace in all scenarios of society.

466. Finally, the Colombian State stated that the Communication on the Regulation of Communicators seeks to promote competition in the markets, promote information pluralism, avoid abuse of dominant position, regulate the markets of communications networks and services, and guarantee the protection of users' rights so that the provision of communications services is economically efficient and reflects high levels of quality of communications networks and services, including open broadcast television and radio broadcasting services.

C. Freedom of expression and the fight against discrimination and exclusion

467. The Rapporteurship continued to follow up on the case of filmmaker Ciro Guerra against journalists Catalina Ruiz-Navarro and Matilde de los Milagros. This Office learned that the Constitutional Court of Colombia denied a tutela filed by the filmmaker against the journalists, who in June 2020 had published allegations of sexual harassment and abuse against Guerra in the digital portal Volcánicas, which the filmmaker sought to have removed¹⁰⁹¹.

468. The high court said that the journalists "did not violate the petitioner's rights, but rather presented a report of public and political interest, reflecting a specially protected and necessary discourse to address discrimination against women and gender-based violence"¹⁰⁹².

469. On the other hand, another Constitutional Court decision protected the fundamental rights to life, personal safety, due administrative process and freedom of expression of a journalist, who was the victim of constant threats and harassment against his life and integrity, in relation to information of public interest that he investigated and published in the context of his work¹⁰⁹³.

470. The Rapporteurship took cognizance of the conviction against Luz Fabiola Rubiano, for acts of discrimination and aggravated harassment against the Vice President of Colombia, Francia Márquez. According to the public information of the case, Rubiano's messages "caused damage to the honor and human dignity of a

¹⁰⁸⁹ FLIP, [Military Intelligence increases its capacity to surveil journalists and citizens with open source technology](#), February 27, 2023.

¹⁰⁹⁰ W Radio, [Así funcionará el mecanismo de la CIDH para garantizar respeto a protesta social](#), June 12, 2023; IACHR, [CIDH instala Mecanismo Conjunto de Seguimiento a las recomendaciones a Colombia](#), Press Release No. 115/23, June 9, 2023.

¹⁰⁹¹ El Tiempo, February 1, 2023. [Court rules in favor of journalists who published complaints against Ciro Guerra](#); Constitutional Court. [Decision T-452](#).

¹⁰⁹² El Tiempo, February 1, 2023. [Court rules in favor of journalists who published complaints against Ciro Guerra](#); Constitutional Court. [Decision T-452](#).

¹⁰⁹³ Infobae, [Corte ordenó a la UNP aplicar un enfoque diferencial de riesgo a periodistas amenazados](#), March 29, 2023; Caracol Radio, [Corte Constitucional ordena a UNP restablecer derechos a periodista que no fue protegida](#), March 29, 2023; Colombian Constitutional Court, [Sentencia T-040](#), February 27, 2023.

population group, and directly to the Vice President, affecting the fundamental right to equality"¹⁰⁹⁴. The acts that led to Rubiano's conviction occurred in September 2022, when he made comments considered racist against the high official.

471. Finally, the Office of the Special Rapporteur welcomes the act of recognition of international responsibility by the Colombian State in relation to case 14.808, Diego Felipe Becerra Lizarazo, the State acknowledged its responsibility for the extrajudicial execution of the teenager, which was committed by a police patrolman, events that occurred in August 2011 when the young man fled for painting graffiti, to this was added the lack of diligence in the investigation and the use of false public statements to discredit and justify the execution. In this case, artistic expression was criminalized, RELE has expressed that art presents an opportunity to exercise cultural rights, to promote democracy, to have a deliberative citizenship and can even be a form of protest. States should not silence artists, they should protect them.

472. For its part, the Colombian State stated that it has reviewed the National Culture Plan 2022-2032, which included regional dialogues, some developed specifically with the participation of women, identifying risks and differential impacts faced by women in their diversities, in the fields of culture, arts and knowledge. In addition, the Ministry of Culture is promoting the Communication for Good Living project, which seeks to establish actions framed in the fight against discrimination and exclusion of indigenous, Afro-descendant, Raizal and Palenquero peoples and the promotion of cultural dialogue, through the strengthening of the media and communication processes and the creation of content specific to ethnic groups.

D. Freedom of expression and the Internet

473. The Rapporteurship learned of the decision of the Constitutional Court, which ordered the protection of women journalists against online violence. This represents a landmark decision of the high court, which orders the Government to present a bill aimed at regulating digital or online violence against women, and in particular, against women journalists¹⁰⁹⁵.

474. In the ruling, the Court urged political parties and movements to adopt guidelines in their Codes of Ethics to sanction acts of violence or incitement to violence online and to implement an access route for women victims of any type of violence¹⁰⁹⁶.

475. On the other hand, the Constitutional Court issued a decision on July 6 of this year, in the framework of tutela 241-23¹⁰⁹⁷, in which a citizen stated that a report of a profile created on the social network Facebook, would have violated the rights to honor, image and good name, since the profile would have denounced the plaintiff as a sexual abuser and having committed physical and psychological abuse against several women.

476. In its judgment, the Court made a weighing judgment to compare the degree of affectation of the rights to honor and good name of the plaintiff and the degree of protection to freedom of expression that the complaint published by the plaintiff has. In this sense, it was concluded that the exercise of freedom of expression of the plaintiff in this case has a reinforced constitutional protection to the extent that i) it is a subject of special protection for being a woman who claims to have been a victim of sexual, physical and psychological violence ii) it is a complaint via escache, and therefore it is a constitutionally protected speech iv) it is a complaint published anonymously and therefore all measures must be taken to guarantee the

¹⁰⁹⁴ El Heraldo, [Condenan a Luz Fabiola Rubiano por insultar a la vicepresidenta Márquez](#), August 25, 2023; El Tiempo, [Condenaron a Luz Fabiola Rubiano por insultos a la vicepresidenta Francia Márquez](#), August 26, 2023.

¹⁰⁹⁵ Semana, [Triunfo para la libertad de expresión: Corte Constitucional pide proteger a las periodistas contra la violencia en línea](#), May 16, 2023; Constitutional Court, [Sentencia T-087](#), March 28, 2023.

¹⁰⁹⁶ Semana, [Triunfo para la libertad de expresión: Corte Constitucional pide proteger a las periodistas contra la violencia en línea](#), May 16, 2023; Constitutional Court of Colombia, [Sentencia T-087](#), March 28, 2023.

¹⁰⁹⁷ Constitutional Court of Colombia, [Decision T-241-23](#), July 6, 2023.

confidentiality of the victim iii) it is a complaint published directly by the victim, which means that the criteria of truthfulness and impartiality are not enforceable.

477. The Office of the Special Rapporteur also welcomes the ruling issued by the Constitutional Court in the framework of tutela 372-23¹⁰⁹⁸, in which it ruled on the violation of the rights to freedom of expression, association and assembly in the context of the protests against the National Government in April and May 2021 in Cali, given that in that context there were disruptions in the internet service during the demonstrations, disruptions that would have prevented the denunciation in the digital environment.

478. In the sentence, the Court determined that the rights to freedom of expression, association and assembly were violated for not providing the citizens and journalists with truthful and comprehensive information on the cuts to internet service and the use of signal inhibitors in the framework of the aforementioned protests. It also ordered to adapt the regulatory framework and to promote legal reforms on the use of signal jamming devices by the security forces and to use them in accordance with constitutional standards to prevent the threat or injury to the rights to freedom of expression, information and protest.

479. On the other hand, the Office learned of the complaints of journalist and columnist Daniel Samper Ospina, who reported having received threats and online harassment over a period of at least two months. FLIP, upon learning of the facts, assured that "these repeated attacks seek to delegitimize his work and put his physical and emotional integrity at risk"¹⁰⁹⁹.

480. The Office also took cognizance of the analysis conducted by the Ombudsman's Office, which reviews the gender violence suffered by women journalists on social networks. The report "Freedom of expression under siege: Harassment of opinion journalists on Twitter", showed the attacks on women who have journalistic influence and opinion on the social network Twitter¹¹⁰⁰.

¹⁰⁹⁸ Constitutional Court of Colombia, [Decision T-372-23](#), September 20, 2023.

¹⁰⁹⁹ FLIP, [Daniel Samper Ospina es víctima de amenazas y acoso en línea](#), May 25, 2023; Swissinfo, [Denuncian amenazas y acoso en línea contra el periodista colombiano Daniel Samper Ospina](#), May 25, 2023.

¹¹⁰⁰ Ombudsman's Office, Defensoría del Pueblo, [Defensoría pide avanzar en medidas para frenar violencia de género contra periodistas en plataformas digitales](#), March 30, 2023; Infobae, [Mujeres periodistas son descalificadas desde la misoginia y el sexismo: Defensoría del Pueblo](#), March 30, 2023.

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481. In 2023, the Rapporteurship observed the continuity of speeches by public officials that stigmatize and discredit the work of the media. In relation to this, in May, the Constitutional Chamber condemned the State for verbal attacks by the President and the former Minister of Health against the media *La Nación*, *Telenoticias* and *CRHoy.com*, and their journalists. This Office also followed up on reports received on alleged massive interceptions of communications in the framework of judicial investigations, without the existence of a formal and material law authorizing it. Likewise, it was reported that the Minister of Health had financed a troll account in social networks, allegedly with the purpose of publishing content against the media and in her favor. This prompted investigations by the Attorney General's Office and the Supreme Electoral Tribunal, as well as the legislative commission investigating political party financing. Although there have been significant challenges to press freedom in Costa Rica, the Rapporteurship notes that the existence of a solid system of checks and balances has allowed democratic institutions to function in defense of human rights, demonstrating the commitment of the authorities to respect the rule of law. The Rapporteurship expresses its appreciation to the State of Costa Rica for coordinating the Group of Friends of Freedom of Expression (GALEP) within the Organization of American States, and appreciates all efforts to contribute to respect for freedom of expression and journalism in the Americas.

A. Journalism and democracy

482. In 2023, the Rapporteurship received information on attacks and threats against journalists, as well as the activation of institutional and judicial mechanisms by public officials and public figures, allegedly for the purpose of intimidating the press¹¹⁰¹.

483. According to public information, on January 24, the mayor of Liberia, Guanacaste, allegedly verbally and physically assaulted journalist Edward Alfaro of *Canal 5 Guanacaste*. The journalist was covering the session of the Municipal Council, in which one of the councilors complained to the mayor about his constant unjustified absences from council sessions. At the close of the meeting, seeing that the reporter was recording him, the mayor said "come if you want", "go on, go on, don't be a clown" and hit Alfaro, calling him a "faggot"¹¹⁰².

484. Likewise, Mauricio Aguilar Rojas, a photojournalist for the newspaper *Extra*, reported that on April 16, officers of the National Police beat him and arrested him while he was covering a murder case in front of the La Reforma prison in San Rafael de Alajuela¹¹⁰³. According to available information, police officers threatened him so that he would not take pictures of them or the suspect in the crime. When the photojournalist told them that he did not intend to capture faces with his camera, but simply to do his job from the street, an agent allegedly rushed at him to hit him. As a result, the journalist reportedly suffered a considerable injury to his nose, and the lens of his camera was damaged. Subsequently, he was taken to the front of a warehouse of the Ministry of Public Works and Transport (MOPT), where he was first handcuffed and then another officer arrived and apologized to him for the situation¹¹⁰⁴. The College of Journalists and Professionals in Collective Communication Sciences of Costa Rica (COLPER) repudiated the events and called on the authorities to carry out a thorough investigation, so that these events are not repeated¹¹⁰⁵.

¹¹⁰¹ See cases reported in the following paragraphs.

¹¹⁰² La Nación, [Alcalde de Liberia Luis Gerardo Castañeda golpea y insulta a periodista](#), 24 January 2023; Costa Rica Hoy, [Alcalde de Liberia se abalanza contra periodista: Sos un maricón](#), 24 January 2023.

¹¹⁰³ Diario Extra, ["Policacos" agreden equipo de DIARIO EXTRA](#), April 17, 2023.

¹¹⁰⁴ La Nación, [Fotoperiodista denuncia agresiones de Fuerza Pública al documentar homicidio](#), April 17, 2023; La Nación, [Golpiza de policías a fotógrafo de Extra desata repudio en organizaciones de periodistas](#), April 18, 2023; Noticias Costa Rica, [Fuerza Pública arrestó a fotógrafo de Diario Extra](#), April 17, 2023.

¹¹⁰⁵ X account of COLPER - C.R. (@ColperCR), [April 18, 2023](#).

485. According to local sources, when consulted by the press, the Ministry of Public Security indicated that an investigation will be carried out by the corresponding administrative body in order to determine what happened¹¹⁰⁶.

486. In November, deputies from different political parties condemned a death threat against Vilma Ibarra, journalist of the program "Hablando Claro", published on social networks by a supporter of the president¹¹⁰⁷. During a plenary session, deputies stated that there was a "persecution of the free and independent press" and of "certain journalists who are not comfortable with this government"¹¹⁰⁸. In addition, the Association of Journalists and Professionals in Collective Communication Sciences of Costa Rica (Colper) demanded that the authorities investigate the harassment without delay.

487. According to public information, the threat was published by a user called "Crist Mrr", who wrote: "Those of us who believe in Rodrigo Chaves are calling on everyone to give Doña Vilma Ibarra the same fate as her grandfather", alluding to the murder of Lucio Ibarra, a communist leader who in December 1948, while a political prisoner, was murdered in El Codo del Diablo¹¹⁰⁹.

488. The Rapporteurship recalls that attacks, threats and intimidation against journalists, as well as the material destruction of the media, severely curtail freedom of expression. It is the duty of States to prevent and investigate these acts, punish the perpetrators and ensure adequate reparation for the victims¹¹¹⁰.

489. The Commission and its Special Rapporteurship have maintained that the attacks committed against journalists are aimed at silencing them, and therefore also constitute violations of a society's right to free access to information. An independent and critical press is a fundamental element for the validity of the other freedoms that make up the democratic system and the rule of law¹¹¹¹.

490. Likewise, this Office learned of the announcement by Grupo Extra of the closing of its newspaper, radio and television operations as of June 1. According to public information, the reasons for the closure are linked to economic reasons derived from the pandemic, in addition to the absence of advertising. The President of Costa Rica expressed his sadness at the news of the closure and stated that "the closure of a media outlet is a blow to freedom of press and expression, especially at a time when there are fewer and fewer objective and balanced media outlets in Costa Rica"¹¹¹².

491. In this regard, the Rapporteurship reiterates what was stated in the 2023 Joint Declaration of Special Rapporteurs on Media Freedom and Democracy regarding the importance of States supporting the economic viability and sustainability of independent media. The economic viability and long-term sustainability of quality journalism is a necessary precondition for the public to access a variety of news and information, including at the local level and in local languages. States, together with media representatives and all other stakeholders, should develop mechanisms to support independent and investigative journalism and a wide range of news production. However, media support should never be used to attempt to exert control over editorial independence. Measures to support media sustainability could include, among others, the fair

¹¹⁰⁶ La Nación, [Fotoperiodista denuncia agresiones de Fuerza Pública al documentar homicidio](#), April 17, 2023.

¹¹⁰⁷ Semanario Universidad, [Diputados condenan amenaza de muerte lanzada por seguidor del presidente Chaves contra periodista Vilma Ibarra](#), November 7, 2023; CR Hoy, [Diputados alertan sobre amenaza de muerte a periodista Vilma Ibarra por "trol chavista"](#), November 7, 2023.

¹¹⁰⁸ La Nación, [Colegio de Periodistas exige detener abuso de poder contra Vilma Ibarra e investigar amenazas](#), November 8, 2023.

¹¹⁰⁹ Semanario Universidad, [Diputados condenan amenaza de muerte lanzada por seguidor del presidente Chaves contra periodista Vilma Ibarra](#), November 7, 2023; CR Hoy, [Diputados alertan sobre amenaza de muerte a periodista Vilma Ibarra por "trol chavista"](#), November 7, 2023.

¹¹¹⁰ IACHR, Declaration of Principles on Freedom of Expression, 2000.

¹¹¹¹ IACHR, Background and interpretation of the Declaration of Principles; IACHR, Report on the Situation of Human Rights in Mexico, OEA/Ser.L/V/II.100, Doc 7 rev.1, September 24, 1998, para. 649.

¹¹¹² Abc, [Grupo Extra announces closure of newspaper, radio and television operations in Costa Rica](#), May 31, 2023; Delfino, [Grupo Extra announces closure of operations as of June 1](#), May 31, 2023.

allocation of state subsidies in media markets; the allocation of state advertising, under clear, objective and non-discriminatory requirements; and incentives for large internet platforms to contribute to media sustainability and a vibrant media landscape¹¹¹³.

492. On the other hand, the Rapporteurship received with concern the decision of the Criminal Court of Goicoechea of the II Judicial Circuit of San José on March 6, which found journalist and former director of *Canal UCR*, Marlon Mora Jiménez, guilty in the framework of a defamation action filed by presidential candidate Juan Diego Castro Fernández. The complainant would have requested 150 days of fine and 20 million colones in compensation, for 15 alleged false and defamatory imputations in the satirical program "Suave en Toque", which was broadcast during the 2018 election campaign. The Court sentenced Mora to 60 days fine (600,000 colones) plus 15 million colones for indemnification, as well as the payment of Castro's legal costs¹¹¹⁴. Several civil society and media organizations expressed their concern for the precedent set by this sentence on the exercise of freedom of expression¹¹¹⁵.

493. The Rapporteurship emphasizes that the type of political debate to which the right to freedom of expression gives rise undoubtedly generates certain critical or even offensive speeches for those who hold public office or are intimately linked to the formulation of public policy¹¹¹⁶. In the Inter-American human rights system, this type of speech, linked to matters of public interest, enjoys special protection due to its relevance in the democratic debate. As the Inter-American Court has pointed out, expressions concerning public officials or persons exercising functions of a public nature must enjoy a margin of openness to a broad debate on matters of public interest, which is essential for the functioning of a truly democratic system. This does not mean that the honor of public officials or public persons should not be legally protected, but that it should be protected in accordance with the principles of democratic pluralism¹¹¹⁷. The reason for this is that persons who influence matters of public interest have voluntarily exposed themselves to more demanding public scrutiny and, consequently, are exposed to a greater risk of criticism, as their activities leave the domain of the private sphere and enter the sphere of public debate¹¹¹⁸.

494. Likewise, the Rapporteurship emphasizes that civil sanctions against journalists can be as intimidating or even more inhibiting for the exercise of freedom of expression than a criminal sanction, and can cause self-censorship both for the affected party and for other potential critics of the actions of a public servant¹¹¹⁹.

495. The Rapporteurship will continue to monitor the case of Marlon Mora Jiménez, and calls on the State of Costa Rica to consider Inter-American standards on freedom of expression and public interest speech in the next stages of this judicial process.

496. In its last annual report, the Rapporteurship called attention to reports received about stigmatizing remarks by the president and public officials against journalists since the presidential campaign¹¹²⁰. In this regard, in 2023 it was learned that the Constitutional Chamber of the Supreme Court of Justice (Chamber IV) partially granted an injunction filed by journalist Jason Ureña and ordered the State to pay costs and damages as a result of a series of "verbal attacks" by the President and the former Minister of

¹¹¹³ OAS, UN, OSCE, ACHPR, [Joint Declaration on Media Freedom and Democracy](#), May 2, 2023.

¹¹¹⁴ Delfino, [Tribunal condena a exdirector de Canal UCR por dos delitos de difamación](#), March 6, 2023; La Nación, [Exdirector de canal 15 de UCR apelará condenatoria dictada en su contra por difamación](#), March 6, 2023.

¹¹¹⁵ Semanario Universidad, [PROLEDI on conviction of Marlon Mora: "has serious consequences of self-censorship in the exercise of freedom of the press"](#), March 6, 2023.

¹¹¹⁶ IACHR, Background and interpretation of principles on freedom of expression.

¹¹¹⁷ I/A Court H.R., Case of Herrera Ulloa v. Costa Rica, Preliminary Objections, Merits, Reparations and Costs, Judgment of July 2, 2004, Series C No. 107, para. 128.

¹¹¹⁸ I/A Court H.R., Case of Herrera Ulloa v. Costa Rica, Preliminary Objections, Merits, Reparations and Costs, Judgment of July 2, 2004, Series C No. 107, paras. 132, 133.

¹¹¹⁹ I/A Court H.R., Case of Tristán Donoso v. Panama, Preliminary Objection, Merits, Reparations and Costs, Judgment of January 27, 2009, Series C No. 193, para. 129.

¹¹²⁰ IACHR, Annual Report, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50, March 6, 2023, para. 420.

Health against the media *La Nación*, *Telenoticias* and *CRHoy.com*, and their journalists¹¹²¹. According to the information available, the ruling is related to events that took place on January 9 of this year, when during a press conference, the authorities allegedly made stigmatizing statements against the press, referring to said media outlets as "gang of criminals", "political hit men", "wretches", "gossipy people"¹¹²². They also allegedly said that journalist Ureña was "a pervert", with "bad intentions and bad habits"¹¹²³. In the amparo, Ureña alleged that the speech of the President and the former Minister of Health exceeded the limits of democratic debate and constituted an attack on freedom of expression, since it generated an intimidating and frightening effect, which provoked self-censorship, and implied a disregard for the obligations of respect and guarantee of fundamental rights that fall on all state officials¹¹²⁴.

497. On this issue, the Court emphasized that "press conferences, especially televised ones, have been very useful for democratic States; nevertheless, the use of disrespectful and offensive language against journalists constitutes a violation of freedom of the press, which is why the justices unanimously declared the writ of amparo partially admissible only for purposes of compensation"¹¹²⁵. It also pointed out that public officials "have every right, and the duty in certain cases, to formulate criticisms, even vehement ones, against the media and journalists when, in their view, they do so unfairly, falsely or disproportionately when disseminating news or commentary". However, it clarified that "certain expressions and words used by officials are not justified and do constitute an excess, which could promote harassment against the media and journalists in question"¹¹²⁶.

498. In this context, RELE notes that in the last year Costa Rica dropped 15 places in the World Press Freedom Index of Reporters Without Borders (RSF)¹¹²⁷. In its assessment of the state of press freedom, the organization noted that the Government has made verbal attacks on certain media and journalists, and that certain institutions have reportedly refused to provide information of public interest to the media¹¹²⁸. The Rapporteurship is concerned about the President's response to the RSF report, the President stated that "it is an NGO that should be seen from where it is financed because he who pays for the music sends the dance" and that "one thing is freedom of the press and another is the pimping and licentiousness that certain media have had in Costa Rica"¹¹²⁹.

499. The Rapporteurship recalls that public officials have a position of guarantor of the fundamental rights of individuals and, therefore, their statements cannot disregard these rights or constitute forms of direct or indirect interference or harmful pressure on the rights of those who seek to contribute to public deliberation through the expression and dissemination of their thoughts, such as journalists¹¹³⁰.

500. Likewise, the State's duty to guarantee freedom of expression implies a positive obligation to create an environment conducive to freedom of expression and the right to information, inter alia, by fostering the independence of the media as a fundamental means of promoting a robust and open debate on matters of public interest¹¹³¹.

¹¹²¹ Delfino, [Sala IV condena al Estado por ataques de Rodrigo Chaves a periodistas](#), May 23, 2023; La Nación, [Sala IV condena insultos de presidente Rodrigo Chaves a periodistas](#), May 23, 2023.

¹¹²² Swissinfo, [Sala Constitucional condena ofensas del presidente a periodista en Costa Rica](#), May 23, 2023.

¹¹²³ La Nación, [Chaves: Ministra de Salud cometió error que no le permito dos veces](#), 10 January 2023; CR Hoy, [Sala IV acoge para estudio recurso de amparo contra Chaves y Chacón por ataques a periodistas](#), 18 January 2023; Delfino, [Sala IV condena al Estado por ataques de Rodrigo Chaves a periodistas](#), 23 May 2023.

¹¹²⁴ Delfino, [Sala IV condemns the State for Rodrigo Chaves' attacks on journalists](#), May 23, 2023.

¹¹²⁵ CR Hoy, [Sala IV condena a Rodrigo Chaves por llamar "sicarios políticos" a periodistas](#), 23 May 2023; La Nación, [Sala IV condena insultos de presidente Rodrigo Chaves a periodistas](#), 23 May 2023.

¹¹²⁶ Inter American Press Association, [IAPA applauds "promising precedent" against stigmatization of journalists](#), May 25, 2023.

¹¹²⁷ Reporters Without Borders, [World Press Freedom Index 2023: the dangers of the deception industry](#), 2023.

¹¹²⁸ Reporters Without Borders, [World Press Freedom Index 2023: the dangers of the deception industry](#), 2023.

¹¹²⁹ Deutsche Welle (DW), [Costa Rica: Chaves denies press freedom violation](#), May 04, 2023; Delfino, [Chaves questions Reporters Without Borders after country's fall in press freedom index](#), May 3, 2023.

¹¹³⁰ I/A Court H.R., Case of Ríos et al. v. Venezuela, Preliminary Objections, Merits, Reparations and Costs, Judgment of January 28, 2009, Series C No. 194, para. 139.

¹¹³¹ UN, OSCE, OAS, ACHPR, [Joint Declaration on Political Leaders, Public Officials and Freedom of Expression](#), 2021.

B. Freedom of expression, rule of law and democratic institutions

501. In 2022 and 2023, the Rapporteurship received information on alleged massive interceptions of communications in the framework of judicial investigations, without the existence of a formal and material law authorizing it¹¹³². According to the information received, Law 8754 against Organized Crime, and the subsequent reformatory norms that were issued and that overlap in time (laws No. 9481, 9591, 9769) would allow massive interceptions of private communications of subjects investigated in criminal proceedings¹¹³³.

502. According to what RELE has learned, the regulations would allow special courts to declare an investigation as a special organized crime proceeding; based on this, these special courts could order the interception of communications, under strict secrecy of summary proceedings. However, the information received indicates that the laws that would enable these special procedures are no longer in force, and that the courts that would be competent to order the interceptions have not been created¹¹³⁴.

503. Currently, despite the lack of competence of ordinary judges to order wiretapping and despite the fact that the enabling rule was repealed, wiretapping would have continued to be authorized¹¹³⁵. RELE was informed that, in the period from October 13, 2019 to May 31, 2022, a total of 294 requests for wiretapping would have been authorized. According to statistics from the Judicial Center of Intervention of Communications of the Judicial Branch of Costa Rica, between January and September 2022, a total of 2,702,597 wiretapped phone calls would have been registered¹¹³⁶.

504. In response to these facts, the State reported that "the assertion that the Costa Rican legal system authorizes the mass interception of communications is false. In no way are arbitrary or 'massive' interceptions carried out"¹¹³⁷. According to the State, current Costa Rican constitutional and legal regulations expressly authorize the interception of communications for the investigation and prosecution of criminal cases only. The crimes listed, in which the legislature authorized the interception of communications, are "serious crimes"¹¹³⁸.

505. It also indicated that in general, all those acts of investigation that are relevant in a criminal proceeding in the investigation stage and that may affect fundamental rights, such as the intervention of communications, require express legal authorization and jurisdictional control in its execution and in the subsequent judicial evaluation. That is to say, these acts must be authorized by the competent judges of guarantees, in strict compliance with constitutional, legal and international human rights law. The norms expressly indicate the judicial authority that has the competence to request the intervention of communications and those that have the competence to authorize and execute the intervention, which in all cases corresponds to a judge of the Republic¹¹³⁹.

506. In addition, the State specified that in no way does the Law authorize the indiscriminate interception of communications, nor can any person request this act of investigation, much less authorize it; on

¹¹³² Information sent by civil society organizations to the IACHR and its Special Rapporteurship, June 14, 2022 and April 11, 2023. Archive of the Office of the Special Rapporteur.

¹¹³³ Information sent by civil society organizations to the IACHR and its Special Rapporteurship, June 14, 2022 and April 11, 2023. Special Rapporteurship file; Delfino, [Delincuencia organizada: Tigre suelto contra reglas enredadas](#), April 27, 2023.

¹¹³⁴ Information sent by civil society organizations to the IACHR and its Special Rapporteurship, June 14, 2022 and April 11, 2023. Archive of the Office of the Special Rapporteur.

¹¹³⁵ Information sent by civil society organizations to the IACHR and its Special Rapporteurship, June 14, 2022 and April 11, 2023. Special Rapporteurship file; Delfino, [Ministerio Público malinterpreta vigencia de la Ley contra la Delincuencia Organizada](#), March 7, 2022.

¹¹³⁶ Information sent by civil society organizations to the IACHR and its Special Rapporteur, June 14, 2022 and April 11, 2023.

¹¹³⁷ Information sent by the State of Costa Rica in response to RELE's request for information on alleged communications interceptions in the framework of judicial investigations, June 16, 2023.

¹¹³⁸ Information sent by the State of Costa Rica in response to RELE's request for information on alleged communications interceptions in the framework of judicial investigations, June 16, 2023.

¹¹³⁹ Information sent by the State of Costa Rica in response to RELE's request for information on alleged communications interceptions in the framework of judicial investigations, June 16, 2023.

the contrary, only those authorities expressly established in the law can do so - in writing - as has been reported¹¹⁴⁰.

507. Finally, it emphasized that the Political Constitution guarantees the right to privacy, freedom and secrecy of communications, qualifying as "inviolable" written, oral and any other type of communications¹¹⁴¹.

508. The Office of the Special Rapporteur for Freedom of Expression recalls that States have the obligation to respect and protect the right to privacy and to adopt or adapt their legislation and practices to that effect, protecting all persons under their jurisdiction. According to Article 11.2 of the American Convention on Human Rights (ACHR), "No one shall be subjected to arbitrary or abusive interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor or reputation"¹¹⁴².

509. The protection of the right to privacy is not absolute, but admits restrictions in exceptional cases, as long as they comply with strict requirements. In this regard, the Inter-American Court has established that "in order to be in accordance with the American Convention, an interference must meet the following requirements: a) be provided for by law; b) pursue a legitimate aim, and c) be appropriate, necessary and proportional. Consequently, the absence of any of these requirements implies that the interference is contrary to the Convention"¹¹⁴³.

510. In this regard, this Office specifies that, regarding the requirement of *legality*, the Court considered that a wiretap must not only be based on a law (in a formal and material sense), but that it "must be precise and indicate clear and detailed rules on the matter, as well as the circumstances in which it may be adopted, the persons authorized to request it, to order it and to carry it out, the procedure to be followed, among other elements. In relation to the purpose, the state measure must tend to the protection of a legitimate good"¹¹⁴⁴.

C. Freedom of expression and the Internet

511. In 2023, it was reported that the Minister of Health of Costa Rica had made payments to the person who manages a troll account on social networks known as "Piero Calandrelli", allegedly for the purpose of publishing content against the media and in her favor¹¹⁴⁵. The administrator of this profile, Alberto Jesús Vargas Zúñiga, publicly stated that he received payments from the minister to publish information on Facebook and TikTok that favored her¹¹⁴⁶. As a result of these facts, the Attorney General's Office opened an investigation against the minister for the alleged crime of embezzlement¹¹⁴⁷.

512. According to public reports, the Minister of Health admitted having made payments to Alberto Vargas. Although she initially said that she had done so in order to promote a public health and vaccination campaign, she later assured that the payments were made with her own resources and that they were

¹¹⁴⁰ Information sent by the State of Costa Rica in response to RELE's request for information on alleged communications interceptions in the framework of judicial investigations, June 16, 2023.

¹¹⁴¹ Information sent by the State of Costa Rica in response to RELE's request for information on alleged communications interceptions in the framework of judicial investigations, June 16, 2023.

¹¹⁴² American Convention on Human Rights (ACHR), Article 11.

¹¹⁴³ I/A Court H.R., Case of Escher et al. v. Brazil, Preliminary Objections, Merits, Reparations and Costs, Judgment of July 6, 2009, Series C No. 200, para. 129.

¹¹⁴⁴ I/A Court H.R., Case of Escher et al. v. Brazil, Preliminary Objections, Merits, Reparations and Costs, Judgment of July 6, 2009, Series C No. 200, para. 131.

¹¹⁴⁵ Semanario Universidad, [Fiscalía investigga a ministra Joselyn Chacón por peculado en caso Piero Calandrelli](#), January 10, 2023; Deutsche Welle (DW), [Costa Rica: investigan a Joselyn Chacón por pagos a "trol"](#), January 11, 2023.

¹¹⁴⁶ Semanario Universidad, [Fiscalía investigará a ministra Joselyn Chacón por peculado en caso Piero Calandrelli](#), January 10, 2023; La Nación, [Trol dice haber recibido pagos de ministra Joselyn Chacón para atacar periodistas](#), December 22, 2022.

¹¹⁴⁷ Delfino, [Fiscalía abre causa contra Joselyn Chacón por peculado](#), January 10, 2023; Deutsche Welle (DW), [Costa Rica: Joselyn Chacón investigan a Joselyn Chacón por pagos a "trol"](#), January 11, 2023.

"charitable" works¹¹⁴⁸. The Minister denied that the payments were made for the purpose of hiring services to attack journalists in social networks. However, she admitted that in a conversation she told Vargas to "give it to him hard" to the journalist Jason Ureña, of the *CRHoy* media, whom she referred to as a "damned"¹¹⁴⁹. The Ministry of Health issued a statement in which it indicated that it was "at the orders of the judicial authorities" and that it "will collaborate extensively with whatever is required"¹¹⁵⁰.

513. According to available information, the Supreme Electoral Tribunal opened a preliminary investigation entitled "Alleged provision of irregular advertising services and dissemination of false information in social networks through the profile of the character 'Piero Calandrelli' during the national electoral process of 2022"¹¹⁵¹. Likewise, the Commission of Investigation of the Financing of Political Parties, within the legislature, summoned the minister to testify, in order for her to answer questions and present evidence regarding the facts denounced¹¹⁵².

514. In the face of these facts, this Office recalls that, as noted in the 2021 Joint Declaration of Special Rapporteurs, States should refrain from engaging in or financing coordinated inauthentic behavior or other online influence operations aimed at influencing the opinions or attitudes of the public or a section of the public for partisan political purposes¹¹⁵³. This, based on the obligation of States to create an enabling environment for freedom of expression and media, and the right to information of the citizenry¹¹⁵⁴.

¹¹⁴⁸ Delfino, [Chaves upholds health minister, asks her to leave social networks](#), Jan. 9, 2023; Semanario Universidad, [Entre explicaciones de 'caridad' o 'servicio' Chaves defiende a Ministra de Salud por pagos a trol](#), Jan. 9, 2023.

¹¹⁴⁹ Deutsche Welle (DW), [Costa Rica: Joselyn Chacón investigated for payments to "troll"](#), January 11, 2023.

¹¹⁵⁰ Swissinfo, [Fiscalía Fiscalía investigará a ministra por pagos a trol de internet en Costa Rica](#), January 11, 2023.

¹¹⁵¹ Costa Rica Hoy, [TSE abrió investigaciones por posibles pagos a Piero Calandrelli durante campaña política](#), January 13, 2023; La República, [Supuesto pago de trol en campaña por Rodrigo Chaves es parte de investigación del TSE](#), January 17, 2023.

¹¹⁵² Delfino, [Acta legislativa confirma que Joselyn Chacón reconoció haber pagado para "lastimar" a medios de comunicación](#), February 6, 2023; Semanario Universidad, [Diputados convocan a Joselyn Chacón y asesora de Rodrigo Chaves para hablar sobre uso de trol Piero Calandrelli](#), January 9, 2023.

¹¹⁵³ UN, OSCE, OAS, ACHPR, [Joint Declaration on Political Leaders, Public Officials and Freedom of Expression](#), 2021.

¹¹⁵⁴ UN, OSCE, OAS, ACHPR, [Joint Declaration on Political Leaders, Public Officials and Freedom of Expression](#), 2021.

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515. RELE continues to observe significant acts of repression, intimidation and deliberate criminalization against all sectors of society exercising their right to freedom of expression, assembly and association. Journalists continue to be victims of harassment and arbitrary arrests, and carry out their work under constant government surveillance. Many members of the press who speak out against the state are forced into exile, while those who attempt to leave and enter the country freely are intentionally hindered by a growing list of state-imposed travel restrictions. Political opponents, human rights defenders, academics and other members of civil society continue to face persecution and censorship. According to the organization Justicia 11J, at least 1,880 citizens have been arrested during social protests between July 2021 and July of this year. The Rapporteurship views with concern Cuba's new Social Communication Law, which will limit the creation and dissemination of expressions protected by international human rights law.

A. Journalism and democracy

516. As the Office of the Special Rapporteur has pointed out in previous reports, house arrests, summonses and detentions of journalists and communicators continue to be one of the main tactics used by the government to intimidate them or as a way of inhibiting independent and critical journalistic practice. For example, on May 18, 2023, journalist and contributor to *Diario de Cuba* José Luis Tan Estrada was reportedly detained and later transferred to the State Security headquarters in Camagüey when he was visiting activist Ienelis Delgado at the women's prison¹¹⁵⁵. The journalist publicly denounced that during the interrogation he had been threatened with arrest and imprisonment for his publications on social networks and for joining the demonstrations called by Alina Bárbara López Hernández, professor and doctor in History¹¹⁵⁶. According to the public complaint made by the journalist, State Security agents reportedly told him that "a protest in Cuba is prohibited, even if it is peaceful and involves only one person". In addition, the journalist was reportedly expelled from the University of Camagüey *Ignacio Agramonte Loynaz* for his critical stance and publications against the government¹¹⁵⁷.

517. Likewise, on July 23, 2023, the *ABC* correspondent in Havana and *Cubanet* journalist, Camila Acosta, was reported missing after being held incommunicado and her whereabouts unknown for 6 hours. According to available information, Acosta was reportedly arrested on Friday morning by two women in civilian clothes, who identified themselves as members of State Security¹¹⁵⁸. According to information available to this Office, the journalist was held incommunicado in a patrol car for two hours at high temperatures, as a form of torture. In turn, the journalist was reportedly taken to an office in the lockup area of the Zanja police station, and then held again in a vehicle for another two hours. According to the information reported, the agents allegedly stole the journalist's telephone line, and she became aware of this after her release¹¹⁵⁹. In addition, on July 15, 2023, Acosta was allegedly the victim of a smear and disqualification campaign during *Razones de Cuba*, a public television program, after a private phone call between the journalist and *América TV* channel was aired. In the broadcast, the photo of the journalist was shown, who was allegedly branded as a "dependent spokesperson" and accused of "making neo-terrorists visible". According to the journalist, "[t]he serious thing is that they are taking audio from my home telephone, they are violating the secrecy of communications"¹¹⁶⁰.

518. Meanwhile, during the electoral context in Cuba there were also several acts of repression against independent journalists, activists, human rights defenders and government opponents. According to available information, at least 31 incidents of repression were recorded during the parliamentary elections of March 26, 2023, including police surveillance and monitoring operations, Internet blackouts, arbitrary

¹¹⁵⁵ Jose Luis Tan Estrada Facebook account, [May 18, 2023](#).

¹¹⁵⁶ Cuban Institute for Freedom of Expression and Press (ICLEP), [Cuban journalist José Luis Tan is arbitrarily arrested in Camagüey](#), May 19, 2023.

¹¹⁵⁷ Diario de Cuba, [State Security arrests and threatens DIARIO DE CUBA journalist José Luis Tan Estrada](#), May 18, 2023.

¹¹⁵⁸ Article 19, [Cuba: Journalist Camila Acosta is illegally detained and for a short time forcibly disappeared](#), June 29, 2023.

¹¹⁵⁹ Cubanet, [Political police release CubaNet journalist Camila Acosta](#), June 23, 2023.

¹¹⁶⁰ ABC Internacional, [Nueva campaña de desprestigio del régimen cubano contra la corresponsal de ABC](#), July 18, 2023.

detentions and house arrests¹¹⁶¹. Ángel Cuza Alfonso, contributor to the newspaper *Cubamet*; Rolando Rodríguez Lobaina, member of the channel *Palenque Visión*; Juan Manuel Moreno, Enrique Díaz Rodríguez and Iris Mariño, independent journalists, were reportedly kept under house surveillance by State Security agents, who allegedly prevented them from leaving their homes during election day¹¹⁶². In the days prior to the elections, non-official journalists and activists were allegedly the target of pressures and threats due to their election observation work¹¹⁶³.

519. In 2023, there were also attacks and intimidation strategies, such as arbitrary detentions, summonses and interrogations against independent journalists and media workers in the context of coverage of social protests. For example, this Office learned that on May 7, 2023, a lieutenant colonel of the State Security in Caimanera went to the home of independent journalist Yeris Curbelo Aguilera to verbally summon him for interrogation as a result of his journalistic coverage of the protest in Caimanera, Guantánamo¹¹⁶⁴. The journalist had reportedly been documenting various aggressions, as well as the arrest by members of State Security of five protesters¹¹⁶⁵. On May 8, 2023, the journalist went to the State Security facilities where he was told that "they could not attend to him and that they were aware of the reports he had given to the international media and the interview he conducted with the mothers of those detained in the protests of May 6"¹¹⁶⁶. As far as this Office was able to learn, the journalist was reportedly fined in 2021 based on Decree Law 370 on the computerization of society in Cuba and arrested for publishing a video of a man protesting in front of the Caimanera police station¹¹⁶⁷.

520. On the other hand, in previous reports, the Office of the Special Rapporteur has expressed its concern regarding the resignation to the exercise of informative work and the forced exile of communicators and journalists, as one of the main options to face the Government's repressive escalation on the independent press¹¹⁶⁸. In 2023, this Office learned that the journalist and collaborator of *Diario de Cuba*, Yoel Acosta Gámez, had been summoned to an interrogation by State Security agents, in which he had been threatened and forced to leave the country before April 1 as a result of a publication made on Facebook calling for the release of political prisoners in Cuba¹¹⁶⁹. According to the public complaint made by the journalist, the officers reportedly told him that they could provide him with a passport to travel "without having to pay for it", that he only had to "present himself at the MININT unit next Monday in order to be interviewed by the high command, officers of the State Security", otherwise he would be "prosecuted in court and sentenced to 15 years of imprisonment"¹¹⁷⁰. Similarly, in January 2023, the writer and independent journalist, Jorge Enrique Rodríguez, was reportedly interrogated by State Security agents and forced to leave the country. According to available information, the agents reportedly told him that "he was not going to have a life while he was in here"¹¹⁷¹.

521. Likewise, this Office has pointed out on previous occasions the growing trend of restrictions and obstacles to entry and exit of the territory by Cuban authorities against independent journalists and activists. Until April 2023, journalists Reinaldo Escobar, Boris González Arenas, Inalkis Rodríguez, Camila Acosta, Julio Aleaga, Jorge Enrique Rodríguez, Iris Mariño, Rolando Rodríguez Lobaina and Henry Constantín will continue to be prohibited from leaving the country, as warned by the Inter American Press Association (IAPA)¹¹⁷². The situation of circulation in Cuba was analyzed by the IACHR during a public hearing held during the 186th Ordinary Period of Sessions. According to information reported by Cuban civil society organizations,

¹¹⁶¹ Cubalex, [Monthly Report on the Situation of Human Rights in Cuba](#), March 2023.

¹¹⁶² Cubalex Twitter account (@CubalexDDDHH), [March 26, 2023](#).

¹¹⁶³ Listin Diario, [Repression of journalists and dissidents denounced in Cuban elections](#), March 26, 2023

¹¹⁶⁴ Article 19, [Cuban journalist Yeris Curbelo Aguilera suffers harassment as a result of his work](#), May 11, 2023.

¹¹⁶⁵ ADN Cuba, [Activist Yeris Curbelo is summoned for questioning for covering protests in Caimanera](#), May 9, 2023.

¹¹⁶⁶ Article 19, [Cuban journalist Yeris Curbelo Aguilera suffers harassment as a result of his work](#), May 11, 2023

¹¹⁶⁷ 14ymedio, [Cuban police summons journalist who interviewed family members of Caimanera detainees](#), May 8, 2023

¹¹⁶⁸ IACHR, Annual Report 2022, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II. Doc.50/23 v. 2. March 6, 2023, para. 453.

¹¹⁶⁹ Diario de Cuba, [Journalist Yoel Acosta denounces threats to force him to leave Cuba](#), March 21, 2023.

¹¹⁷⁰ CiberCuba. January 28, 2023. [Cuban government threatens activist Yoel Acosta to force him to leave the country](#).

¹¹⁷¹ ADN Cuba, [Journalist threatened to leave Cuba](#), January 2, 2023; Cubanos por el Mundo, [Cuban journalist Jorge Enrique Rodríguez is threatened by the SE to leave the country](#), January 2, 2023; Martí Noticias, [State Security wants to force independent journalist Jorge Enrique Rodríguez to emigrate](#), January 1, 2023.

¹¹⁷² Inter American Press Association (IAPA), [Report to the Mid-Year Meeting 2023](#), April 23, 2023.

flight cancellations, immigration controls, the threat of forced expatriation and house arrests are some of the examples that the authorities are reportedly using to punish those who speak out against the government¹¹⁷³. There, the Special Rapporteur for Freedom of Expression, Pedro Vaca Villarreal, pointed out that the restrictions on mobility in Cuba constitute a clear "punishment for people who want to express themselves"¹¹⁷⁴.

522. Finally, the Office of the Special Rapporteur notes with particular concern that prison continues to be a frequent place for journalists and communicators who report on matters of public interest. In previous reports, this Office warned about the detention and conviction of reporter Lázaro Yuri Valle Roca, who was sentenced to five years in prison for allegedly committing the crimes of resistance and continued enemy propaganda. According to information obtained by the Special Rapporteur's Office, the journalist was sentenced for some publications on the YouTube channel of the non-governmental organization *Delibera*, and for participating in the launching of more than 500 leaflets with the inscription "Patria y vida" (Homeland and Life), which "were aimed at confusing and inciting the people to demand rights already achieved by the Cuban Revolution"¹¹⁷⁵. Two years after his arrest, the reporter continues to be imprisoned amid serious health problems, as reported by the Inter American Press Association (IAPA) and other human rights organizations¹¹⁷⁶.

523. This Office reiterates that journalism is the primary and principal manifestation of freedom of expression, since it is journalists and the media who keep society informed on matters of public interest and contribute to the existence of a broad, robust and pluralistic public debate¹¹⁷⁷. For this reason, States have the obligation to create the conditions for journalists to be able to exercise their function freely, independently and safely¹¹⁷⁸.

524. According to Principle 9 of the Declaration of Principles on Freedom of Expression of the IACHR, intimidation or threats to social communicators violates the fundamental rights of individuals and severely restricts freedom of expression. The IACHR and its Special Rapporteurship have understood that these types of actions are intended to restrict or hinder the work of journalists who investigate abuses, abuses, irregularities or illicit acts of any kind, whether carried out by public officials or private individuals. Likewise, they seek to be tools of intimidation, by means of which a message is sent to all those persons of the civil society who carry out investigation tasks on irregularities in the public administration. RELE has also stated that this practice "seeks to keep the press, as a control mechanism, silent", preventing society from being informed about events of public interest¹¹⁷⁹.

B. Freedom of expression, rule of law and democratic institutionalality

525. In 2023, this Office continued to observe the application of measures of persecution and censorship against different sectors of society, including political opponents, activists, academics, artists, human rights defenders and any dissident voice or voice not aligned with government interests. For example, on March 9, 2023, 30 officers from the Police, the Ministry of the Interior (MININT), the Technical Department of Investigations (DTI) and State Security reportedly entered the home of Cuban *influencer* and professor Hilda

¹¹⁷³ Inter-American Commission on Human Rights / Youtube, [186 PS - 12 - CU | Right to Movement of Persons in Cuba](#), March 15, 2023.

¹¹⁷⁴ Inter-American Commission on Human Rights / Youtube, [186 PS - 12 - CU | Right to Movement of Persons in Cuba](#), March 15, 2023.

¹¹⁷⁵ IACHR, Annual Report 2022, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II. Doc.50/23 v. 2, March 6, 2023, para. 451.

¹¹⁷⁶ Inter American Press Association (IAPA), [Report to the Mid-Year Meeting 2023](#), April 23, 2023; Article 19, June 15, 2023, [A 2 años de la detención arbitraria del periodista independiente Lázaro Yuri, se sigue castigando la libertad de expresión en Cuba](#), April 23, 2023.

¹¹⁷⁷ I/A Court H.R., Advisory Opinion OC-5/85, "Compulsory Membership in an Association of Journalists (Arts. 13 and 29 American Convention on Human Rights), November 13, 1985, para. 71.

¹¹⁷⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 8 and para. 165 et seq.

¹¹⁷⁹ IACHR, Background and Interpretation of the Declaration of Principles.

Núñez Díaz. The agents allegedly took her cell phone, computer and other items that were used to record and document various topics of general interest¹¹⁸⁰. Through her Twitter and Facebook account, the professor publicly denounced that she had been detained and interrogated at the Santiago de Cuba operations center for "using social networks to discredit the government"¹¹⁸¹. According to available information, Núñez Díaz had recently received threats from DTI agents, who told her that "she could not record in Havana and if she did then there would be complications (...) that she should think it over" because she is a mother¹¹⁸². According to Cubalex public reports, in March 2023 similar cases were reported against Luis Amado Robert¹¹⁸³, Yahoo Mena¹¹⁸⁴, Leydiana Cazañas Amador¹¹⁸⁵ and Aniette González¹¹⁸⁶ for their publications on social networks.

526. Likewise, according to available information, on April 20, State Security agents reportedly detained Cuban activist and artist Yasmani González Valdés at the Villa Marista training center after searching his home, as part of a process in which he is being investigated for allegedly painting graffiti with messages against the Government¹¹⁸⁷. After spending a month in detention, González was reportedly transferred to the Combinado del Este prison in Havana, as reported by his wife¹¹⁸⁸. As far as this Office was able to learn, González had previously been summoned in early April 2023 to the Zanja station where he was linked to the group *El Nuevo Directorio*, a peaceful action movement against the government¹¹⁸⁹.

527. Likewise, this Office learned about the house arrest of Cuban humorist Jorge Fernández Era, who is reportedly subject to precautionary measures of freedom on bail and prevented from leaving the country¹¹⁹⁰. According to the information available, several Cuban humorists and intellectuals have signed a petition in defense of the humorist. The letter requests that "the persecution against a colleague who has done nothing more than fulfill his duty as a humorist and exercise his rights as a citizen"¹¹⁹¹ should cease immediately. For its part, Amnesty International condemned the harassment and house arrest of the humorist¹¹⁹². In addition to these events, other similar arrests have been made against activists and opponents, including Iran Almaguer¹¹⁹³, Mario Alberto Hernandez, Alejandro Garlobo, Sulmira Martinez Perez, Daniel Moreno de la Peña, Esquizander Benitez Moya, Inelís Delgado Cué, among others¹¹⁹⁴.

528. On the other hand, on the second anniversary of the mass protests in Cuba, the Commission and the Office of the Special Rapporteur once again condemned the persistence of state repression against people who participated in or supported the social demonstrations, as well as the press that has given coverage to these events. In a press release, the IACHR and its Special Rapporteurship pointed out that in the last two years, at least eight patterns of repression by the State have been documented in the context of social protests, including ill-treatment, criminalization of demonstrators, closure of democratic spaces, trials without guarantees of due process, restrictive legislative proposals and censorship of Internet access¹¹⁹⁵. Violations of due process also included restriction of access to criminal records, lack of adequate technical defense and lack of contact with legal representatives.

¹¹⁸⁰ CiberCuba, [State Security detains and searches house of Cuban youtuber Hildina](#), November 3, 2023.

¹¹⁸¹ Hildina / Facebook, [March 9, 2023](#).

¹¹⁸² CiberCuba, [Cuban youtuber Hildina released after being fined and threatened](#), November 3, 2023.

¹¹⁸³ Diario de Cuba, [Promoting abstention in Cuba is incitement to crime: the regime arrests two journalists](#), March 25, 2023.

¹¹⁸⁴ Cuba Political Prisoners X Account (@PresosCuba), [April 10, 2023](#).

¹¹⁸⁵ ADN Cuba, [Another Cuban mother was arrested by state security](#), March 30, 2023.

¹¹⁸⁶ Diario de Cuba, [Cuban Aniette Gonzalez is detained for joining the initiative 'La Bandera es de todos.'](#), March 27, 2023.

¹¹⁸⁷ Cultural Rights Observatory Twitter account (@CubaODC), [April 21, 2023](#).

¹¹⁸⁸ Diario de Cuba, [After a month in Villa Marista, activist Yasmany Gonzalez is transferred to the Combinado del Este prison](#), May 30, 2023.

¹¹⁸⁹ 14ymedio, [Cuban activist Yasmany Gonzalez completes three weeks detained in Villa Marista](#), May 12, 2023.

¹¹⁹⁰ Swissinfo, [Amnesty condemns the "harassment and house arrest" of Cuban Jorge Fernandez Era](#), July 4, 2023.

¹¹⁹¹ Voice of America, [More than 600 intellectuals demand that "persecution" against Cuban humorist Jorge Fernández Era](#), July 10, 2023.

¹¹⁹² X account of Erika Guevara Rosas (@ErikaGuevaraR), [July 3, 2023](#).

¹¹⁹³ ADN Cuba, [Activist Íran Almaguer Labrada detained and threatened after criticizing agreements between Cuban regime and Russia](#), May 31, 2023.

¹¹⁹⁴ X account of Justicia 11J Detenciones por Motivos Políticos (@justicia11j).

¹¹⁹⁵ IACHR, [IACHR and RELE: 2 years after July 11 protests, State must cease repression in Cuba](#), Press Release 157/23, July 17, 2023.

529. During the anniversary of the mass protests of July 11, the Office of the Special Rapporteur met with civil society organizations that are members of the Cuba Network to reflect on the obstacles and challenges that persist¹¹⁹⁶. In particular, the Special Rapporteurship is concerned about the high number of people detained in the context of demonstrations and social protests in Cuba. According to reports from the organization *Justicia 11J*, dedicated to compiling data and disseminating information on protests in the public space in Cuba, from July 2021 to July of this year 1,880 people were detained as a result of the repression of social protests. Of these, 773 remain in detention, 909 have been tried and punished for their participation in protests, and at least 84 of them have opted for exile after being released or during temporary releases¹¹⁹⁷. According to reports received by this Office, detainees are reportedly subjected to ill-treatment and patterns of torture such as deprivation of medical care, food and communication, as well as physical and verbal aggression¹¹⁹⁸.

530. Likewise, the Office of the Special Rapporteur observes the activation and continuity of judicial proceedings and criminal sanctions for the alleged commission of the crimes of sabotage, sedition, contempt and public disorder against those who participated in the protests of July 2021. According to complaints made by activists and organizations of the Cuban civil society, the activation of judicial mechanisms to punish and dissuade participation in protests, would have occurred without the respective judicial guarantees and due process. Thus, for example, on January 23, 2023, the People's Provincial Court of Havana convicted fifteen protesters on July 11, 2021 for the crimes of sedition with sentences ranging from 4 to 13 years of imprisonment¹¹⁹⁹. The Court reportedly considered as proven facts "that the convicted persons mobilized in the Havana municipality of Arroyo Naranjo with 'the purpose of generating the destabilization of the social and political order established in the Republic of Cuba'"¹²⁰⁰. According to the information available, during the trial the accusation of attack, public disorder, contempt and instigation to commit a crime was changed to the crime of sedition.

531. Likewise, on January 26, 2023, the Municipal Court of Havana published a conviction against nine demonstrators with prison sentences of up to 15 years for allegedly committing the crime of sedition¹²⁰¹. The Court reportedly linked these individuals to violent actions such as the throwing of blunt objects and aggressions against police officers, which occurred in the Esquina de Toyo in the municipality of Diez de Octubre in July 2021. Likewise, he reportedly stated that these people "expected to form a large conglomeration following their objectives and orientations of the enemies of the revolution in order to overthrow the Socialist Constitutional Government"¹²⁰². In addition to these, other judicial proceedings are registered against demonstrators who allegedly participated in the protests of Covadonga, in the municipality of Aguada de Pasajeros in July 2022¹²⁰³ and in the protests of Linea Street in October 2022¹²⁰⁴.

532. On the other hand, in the course of 2023, this Office continued to record the persistence of mechanisms of state repression and selective and deliberate criminalization against persons exercising the right to freedom of expression, assembly and association. As mentioned in previous reports, the causes that would have motivated the social mobilizations would be related to the general shortage of food, fuel and medicines, the lack of access to public services, power outages and demands for respect for civil and political rights¹²⁰⁵.

¹¹⁹⁶ X account of the IACHR Office of the Special Rapporteur for Freedom of Expression (@RELE_CIDH), [July 11, 2023](#).

¹¹⁹⁷ Justice11J, June 7, 2023, [2023: Updated figures](#).

¹¹⁹⁸ Prisoners Defenders, May 2023, [Torture in Cuba](#).

¹¹⁹⁹ Twitter account of Justicia11J Detenciones por Motivos Políticos (@justicia11j), [January 25, 2023](#).

¹²⁰⁰ Infobae, [15 other 11J protesters in Cuba sentenced to prison terms of up to 13 years](#), January 26, 2023.

¹²⁰¹ SwissInfo, [Nine Cuban 11J protesters sentenced to up to 15 years in prison](#), January 28, 2023; Infobae, [Cuban dictatorship sentences 9 more 11J protesters to prison terms of up to 15 years](#), January 28, 2023.

¹²⁰² EFE, [Nine 11J protesters in Cuba sentenced to up to 15 years in prison](#), January 28, 2023

¹²⁰³ 14ymedio, [Nine protesters face military trial in Cienfuegos this week](#), June 6, 2023.

¹²⁰⁴ Justice11J, [2023: Updated figures](#), June 7, 2023.

¹²⁰⁵ IACHR, Annual Report 2022, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II. Doc.50/23 v. 2, March 6, 2023, para. 461.

533. In particular, the Commission and its Office of the Special Rapporteur expressed their concern over the incidents of repression, acts of violence against demonstrators, and arbitrary detentions that occurred during the May 6, 2023 mobilization in front of the headquarters of the Municipal Government and the Communist Party in the city of Caimanera, Guantánamo¹²⁰⁶. According to public information, the protest was allegedly repressed by uniformed members of the National Special Brigade of the Ministry of the Interior, who allegedly assaulted and detained five young demonstrators, including Daniel Álvarez Gonzales, Luis Miguel Alarcón Martínez, Felipe Correa Martínez, Yandris Pelier Matos and Rody Álvarez González¹²⁰⁷. Meanwhile, the internet monitoring platforms Netblocks and CloudFlare Radar, reportedly recorded a drop in internet and telephone services at the site of the protests and in other parts of the country¹²⁰⁸. According to the version of the Ministry of the Revolutionary Armed Forces (MINFAR) "in the municipality of Caimanera there was indiscipline at a public party by intoxicated people"¹²⁰⁹. Likewise, the President of the Assembly of People's Power in Caimanera, Saimara Lllamaré Galano, informed that "acts of this nature that threaten social peace will not go unpunished and the offenders will be brought before the judicial bodies with all the constitutional guarantees and respect for their rights"¹²¹⁰.

534. The Office of the Special Rapporteur reiterates that social protest, which includes the exercise of the right to freedom of peaceful and unarmed assembly, freedom of association and freedom of expression, is a fundamental tool in the defense of democracy and human rights, and the State is obligated to respect, protect and guarantee these rights¹²¹¹. Regarding the obligation to respect, the IACHR and its Special Rapporteur have pointed out that "the exercise of the right of assembly through social protest should not be subject to authorization by the authorities or to excessive requirements that make it difficult to carry out."¹²¹²

535. On the other hand, according to a report by the organization Cubalex, there was a repressive peak on May 19 and 20, due to the fact that several organizations had called for a peaceful rally and protest on the occasion of the 121st anniversary of the Republic of Cuba¹²¹³. According to public information, during that date, State Security agents patrolled and monitored the Malecon area in the city of Havana, hindering citizen participation in the social protest. For example, activist Niurka Caridad Ortega Cruz, a member of *Cuba Independiente Democrática*, was summoned by the Ministry of the Interior to the Calabazar police station that day, allegedly for the purpose of silencing her. Similarly, in a live broadcast on social networks, Agustín López Canino, leader of the digital portal *Cubanos de Adentro y de Abajo*, reportedly denounced that police officers were trying to detain him for his participation in the march¹²¹⁴. According to information obtained by the Office of the Rapporteur, activist Agustín López Canino was reportedly detained on June 19, 2023 at the National Revolutionary Police (PNR) substation in Calabazar for allegedly calling for a protest¹²¹⁵. Likewise, the newspaper *14ymedio* publicly denounced that part of its editorial staff remained incommunicado during this date due to the interruption of its mobile lines, and that agents of the State political police prevented them from leaving the premises of the building¹²¹⁶.

¹²⁰⁶ IACHR, [IACHR and its RELE express concern over persistent state repression of protests in Cuba](#), Press Release 086/23, May 12, 2023.

¹²⁰⁷ Article 19, [Exigimos libertad a los 6 jóvenes detenidos en las protestas de Caimanera en Guantánamo, Cuba](#), May 11, 2023; 14ymedio, [Cortes de internet y 'boinas negras' para reprimir a cientos de manifestantes en Cuba](#), May 7, 2023.

¹²⁰⁸ NetBlocks (@netblocks) X account, [May 6, 2023](#); Cloudflare Radar (@CloudflareRadar) X account, [May 6, 2023](#); Infobae, [Repression in Cuba: dictatorship arrests at least five protesters after protests in Caimanera and cuts internet access](#), May 7, 2023.

¹²⁰⁹ X account of Minfar_Cuba (@MinfarC), [May 7, 2023](#); El Diario de Cuba, [Cuban regime lies about protest in Caimanera: 'drunken indiscipline at a party'](#), May 7, 2023.

¹²¹⁰ Portal del Ciudadano Caimanera, [Nota informativa](#), May 8, 2023; CiberCuba, [Régimen cubano anuncia juicio contra manifestantes detenidos por protestas en Caimanera](#), May 8, 2023.

¹²¹¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Social Protest and Human Rights, OEA/Ser.L/V/II CIDH/RELE/INF.22/19. September 2019, foreword and paras. 1-46.

¹²¹² IACHR, Office of the Special Rapporteur for Freedom of Expression, Social Protest and Human Rights, OEA/Ser.L/V/II IACHR/RELE/INF.22/19. September 2019, para. 91.

¹²¹³ Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#), May 2023; Cubanet, [Opositores convocan a protesta pacífica este 20 de mayo en el malecón de La Habana](#), May 19, 2023.

¹²¹⁴ 14ymedio, [Police operations, internet cuts and surveillance against activists mark May 20 in Cuba](#), May 21, 2023.

¹²¹⁵ Cubanet, [Cuban journalist and blogger Agustín López Canino suffers arbitrary arrest](#), June 20, 2023.

¹²¹⁶ 14ymedio, [Police operations, internet cuts and surveillance against activists mark May 20 in Cuba](#), May 21, 2023.

536. On the other hand, the Office of the Special Rapporteur became aware of surveillance operations with alleged silencing purposes and acts of repression and violence such as house arrests, fines, citations, threats, aggressions and detentions against members of civil society organizations, including the Movement of Opponents for a New Republic (MONR), the Ladies in White, the United Anti-Totalitarian Forum (FANTU), the Patriotic Union of Cuba (UNPACU) and the recently created Cuba in Mourning movement¹²¹⁷. Reports from the organization Cubalex during 2023, indicate that the Ladies in White continue to be subject to repression and harassment on Sundays of each month, due to the protests and religious celebrations they hold to demand freedom for political prisoners in Cuba¹²¹⁸. According to public information, Berta Soler, leader of the Ladies in White, and her husband, former political prisoner Ángel Moya, were reportedly detained on at least 17 occasions during the first six months of 2023¹²¹⁹. In one of these detentions, a State Security agent allegedly told them that "this year Berta and he were going to 'go off the air'" and that they should be careful, because "the same thing that happened to Mikel Osorbo before he was imprisoned" could happen to him¹²²⁰. The leaders were also reportedly watched by State Security agents for their possible participation in the celebration of the US Independence Day, organized on July 4, 2023 by the US Embassy, as publicly denounced by Berta Soler in her social networks¹²²¹.

537. On the other hand, the Rapporteurship calls attention to the adoption of new norms that impact and severely restrict the exercise of freedom of expression in Cuba, in contravention of international human rights standards. In particular, in 2023, this Office observed with concern the approval of the new Law on Social Communication, which could accentuate and increase the existing restrictions on the right to freedom of expression and reduce independent news spaces in Cuba.

538. On May 25, 2023, the National Assembly of People's Power approved a new Social Communication Law whose purpose is to regulate the Social Communication System and establish the principles of organization and operation for all social communication media in the country. In the framework of the second extraordinary session in which the bill was approved, the President of Cuba emphasized that the law regulates "one of the areas of greatest attack against Cuba", and "in a context of intense media war". The president affirmed that the norm has "a preventive approach to subversion" and that "it is fundamentally the responsibility of Social Communication to contribute to the construction of the country's image in correspondence with the attributes that identify the nation and the reality we live in"¹²²².

539. In this regard, the Office of the Special Rapporteur noted that the new Law on Social Communication limits the generation and dissemination of online and offline content protected by international human rights law, through the imposition of arbitrary preconditions¹²²³. Thus, for example, Article 13.1 establishes the requirements that content must meet to be valid, such as being "verified, contextualized and contrasted as a guarantee of truthfulness", "attached to ethics and responsibility", aimed at "promoting peace, inclusion, decency and social coexistence" and "protecting honor, identity and individual and family privacy". In addition, the law prohibits the creation and dissemination of content aimed at "subverting the constitutional order and destabilizing the socialist State of law and social justice", "sustaining the communicational aggression that is being developed against the country", "give morbid treatment" to accidents or criminal acts, "defame, slander or injure persons, organs, bodies and entities of the State, political, mass and social organizations of the country" or to "appeal to fear, superstition or arouse aggressive behaviors that favor cruelty (...) and the destruction of cultural, patrimonial or natural assets". It also prohibits "the use

¹²¹⁷ Cubalex, [Monthly Report on the Situation of Human Rights in Cuba](#), February 2023; Cubalex, [Monthly Report on the Situation of Human Rights in Cuba](#), April 2023.

¹²¹⁸ Cubalex, [Monthly Report on the Situation of Human Rights in Cuba](#), March 2023.

¹²¹⁹ Cubans around the world, [State Security agents guard Berta Soler](#), July 4, 2023; El Informador, [Arrestan en Cuba a líder de las Damas de Blanco por decimoquinta vez](#), May 9, 2023; Deutsche Welle (DW), [Cuba: detienen y liberan de nuevo a líder de Damas de Blanco](#), June 2, 2023.

¹²²⁰ Diario de Cuba, [The regime represses the Ladies in White on Easter Sunday](#), April 10, 2023.

¹²²¹ ADN Cuba, [Opositora Berta Soler denuncia vigilancia este 4 de julio](#), 4 de julio de 2023; Cubanos por el mundo, [Agentes de la Seguridad del Estado vigilan a Berta Soler](#), 4 de julio de 2023.

¹²²² Presidency and Government of Cuba, [Cuba already has its Social Communication Law](#), May 25, 2023.

¹²²³ IACHR, Office of the Special Rapporteur for Freedom of Expression, [La RELE manifiesta su preocupación por nueva ley de Comunicación Social en Cuba](#), Press Release R125/23, June 16, 2023.

of contents elaborated from already existing images, texts, audios and videos, to create falsified realities with any aim or purpose"¹²²⁴.

540. Likewise, the Office of the Special Rapporteur warned that the law severely restricts the exercise of freedom of the press by imposing certain duties on journalists and social communicators that are excessive, discretionary and contrary to the very nature of journalistic work. For example, the duty to "inform with immediacy, coherence, precision and adherence to the truth" and "not to make journalistic collaboration or any other editorial contribution to social communication media whose contents contravene the Constitution, this Law and other regulatory provisions". Finally, this Office pointed out that the law deepens the situation of illegality of independent journalism, since it prohibits the legal creation of non-state entities whose corporate purpose is the management of a means of communication¹²²⁵. For their part, various organizations linked to journalism and freedom of expression have expressed their concern regarding the new legislation and its impact on the exercise of the right to freedom of expression in Cuba¹²²⁶.

541. The situation of freedom of expression and of the press in the framework of the new Law on Social Communication in Cuba was analyzed by the IACHR during a public hearing held during the 188th Period of Sessions. At the hearing, the petitioning organizations emphasized that the new Law on Social Communication marks yet another chapter in the deterioration of freedom of expression in Cuba¹²²⁷. This law allows the State to carry out an institutionalized control of freedom of expression, particularly with respect to dissidents, independent journalists, activists, artists and human rights defenders. In addition, it was highlighted that the new law is part of a system that contemplates a range of persecution and censorship, such as: deliberate cuts in Internet access, disabling of communication services, cyber harassment, application of fines, threats, arbitrary detentions, disproportionate penalties, interrogations and trials without due process, obtaining and misuse of personal information through hacking of social networks, destruction and confiscation of artistic works and permanent surveillance¹²²⁸. For its part, the IACHR stressed that Cuba is the only country on the continent in which there is not a single guarantee of freedom of expression and reproached the secrecy of the Cuban State¹²²⁹. The IACHR reaffirmed its commitment to continue making visible the human rights violations in the country¹²³⁰.

C. Freedom of expression and the fight against discrimination and exclusion

542. In February 2023, the Commission issued a follow-up resolution on precautionary measures on the case of María de los Ángeles Matienzo Puerto and Kirenia Yalit Núñez Pérez, which again reiterates the context of repression against LGBTI persons in Cuba¹²³¹. In this regard, the information provided by the representation at the end of December 2022, indicated that the Ministry of Public Health would have canceled

¹²²⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, [La RELE manifiesta su preocupación por nueva ley de Comunicación Social en Cuba](#), Press Release R125/23, June 16, 2023.

¹²²⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, [La RELE manifiesta su preocupación por nueva ley de Comunicación Social en Cuba](#), Press Release R125/23, June 16, 2023.

¹²²⁶ Reporters Without Borders, [Cuba's Law on Social Communication Deathly Wounds Press Freedom](#), May 30, 2023; Demo Amlat, [Alert on Cuba's Law on Social Communication](#), May 19, 2023; Qué Pasa Media Network, [Independent Journalists and NGOs Sound Alarm Over Cuba's Law to Regulate Media](#), May 21, 2023.

¹²²⁷ **IACHR, 188th Period of Sessions, [Cuba: Freedom of expression and press, and the new Law of Social Communication](#), November 7, 2023.**

¹²²⁸ **IACHR, 188th Period of Sessions, [188 PS - Cuba: Freedom of expression and press, and the new Law on Social Communication](#), November 7, 2023.**

¹²²⁹ **IACHR, 188th Period of Sessions, [188 PS - Cuba: Freedom of expression and press, and the new Law on Social Communication](#), November 7, 2023.**

¹²³⁰ **IACHR, 188th Period of Sessions, [188 PS - Cuba: Freedom of expression and press, and the new Law on Social Communication](#), November 7, 2023.**

¹²³¹ IACHR, [Resolution 9/2023](#), Precautionary Measures No. 552-20, María de los Ángeles Matienzo and Kirenia Yalit Núñez Pérez regarding Cuba, February 26, 2023.

the "Conga against Homophobia" in 2019 after considering it as a "subversive day"¹²³². The people who participated in the parade were reportedly stopped by State Security after one kilometer and at least three activists were reportedly arrested, while other LGBTI activists were reportedly besieged¹²³³.

543. In this regard, the Commission has observed that, despite the progress made in this area in Cuba, LGBTI persons and human rights defenders working on issues related to the LGBTI community have suffered "acts of violence, discrimination, restrictions on their rights of assembly and association, as well as curtailment of their freedom of expression and dissemination of thought"¹²³⁴. To this extent, in the resolution, the Commission recommends that the State "take measures of a differentiated nature so that its agents respect the rights of the beneficiaries related to their sexual orientation, as well as protect them from possible acts of violence that may come from third parties"¹²³⁵.

544. Likewise, according to a report by Cubalex, at least 260 repressive incidents were registered during this month, including house arrests and threats to LGBTIQ+ activists on the day of the "Conga against Homophobia," promoted by Mariela Castro, daughter of Raúl Castro¹²³⁶. Via Twitter, Cuban LGBTIQ+ activists denounced the incidents, calling the organizations and events "at the service of the PCC, not the LGBTI community"¹²³⁷.

545. On the other hand, in February 2023, three Cuban activists of the *Cuban Women's Network* were reportedly arrested for requesting a permit from the authorities to demonstrate in three provinces of the country on the occasion of International Women's Day¹²³⁸. According to statements made by the *Red Femenina de Cuba*, the purpose of the demonstration was "to raise awareness about the need for the effective exercise of our rights, freedom of expression and movement, equality, and the recognition of Cuban women"¹²³⁹. Faced with the impediment of marching on that date, the Women's Network stated that it would launch "in social networks 'a call for a state of emergency for gender violence', which establishes protocols and prevention measures"¹²⁴⁰.

546. Likewise, this Office learned that in February 2023, on the occasion of the official visit of the Vice President of Colombia Francia Márquez to Cuba, Cuban activists of the Citizens' Committee for Racial Integration had sent a letter to Vice President Márquez in which they pointed out that Cuban activism was "facing an institutional framework that is not made for change, but for everything to remain the same"¹²⁴¹. According to the information reported, they also denounced impediments to mobility and circulation "both inside and outside the country, and in contradiction with the Constitution of the State"¹²⁴². In addition, they reportedly pointed out that the result of this "is that a considerable part of the activists currently deprived of liberty are women and Afro-descendants, marked by political violence"¹²⁴³.

¹²³² IACHR, [Resolution 9/2023](#), Precautionary Measures No. 552-20, María de los Ángeles Matienzo and Kirenia Yalit Núñez Pérez regarding Cuba, February 26, 2023.

¹²³³ IACHR, [Resolution 9/2023](#), Precautionary Measures No. 552-20, María de los Ángeles Matienzo and Kirenia Yalit Núñez Pérez regarding Cuba, February 26, 2023.

¹²³⁴ IACHR, [Resolution 9/2023](#), Precautionary Measures No. 552-20, María de los Ángeles Matienzo and Kirenia Yalit Núñez Pérez regarding Cuba, February 26, 2023.

¹²³⁵ IACHR, [Resolution 9/2023](#), Precautionary Measures No. 552-20, María de los Ángeles Matienzo and Kirenia Yalit Núñez Pérez regarding Cuba, February 26, 2023.

¹²³⁶ Cubalex, [Monthly Report on the Situation of Human Rights in Cuba](#), May 2023.

¹²³⁷ Danielito Tri's X account (@DanielitoTriana), [May 14, 2023](#).

¹²³⁸ Diario de Cuba, [Three activists of the Red Femenina de Cuba are detained and interrogated by the Police](#), February 4, 2023.

¹²³⁹ Diario de Cuba, [Three activists of the Red Femenina de Cuba are detained and interrogated by the Police](#), February 4, 2023.

¹²⁴⁰ France 24, [Without permission to march on March 8, Cuban women activists mobilize on networks](#), June 3, 2023.

¹²⁴¹ Diario de Cuba, [Cuban activists ask Colombia's vice president for solidarity against the regime's political violence](#), February 8, 2023.

¹²⁴² Diario de Cuba, [Cuban activists ask Colombia's vice president for solidarity against the regime's political violence](#), February 8, 2023.

¹²⁴³ Diario de Cuba, [Cuban activists ask Colombia's vice president for solidarity against the regime's political violence](#), February 8, 2023.

547. This Office reiterates the importance of States adopting positive measures in relation to the right to freedom of expression and citizen participation of groups historically excluded from public debate, such as women, LGBT+ persons, or indigenous peoples. The Inter-American system grants enhanced protection to those speeches that express constitutive elements of the personal identity or dignity of those who express themselves¹²⁴⁴ and, therefore, the Rapporteurship invites States to identify possible obstacles or limitations to the freedom of expression of these groups and to tune institutional practices to the enhanced protection of this type of speeches.

D. Freedom of expression and the Internet

548. Cuba has one of the lowest scores in terms of the exercise of fundamental freedoms on the Internet in the region, according to the Freedom of the Net reports, published annually by the organization Freedom House¹²⁴⁵. Likewise, according to *Access Now*, an organization dedicated to the defense and promotion of the digital rights of individuals and communities at risk, Cuba occupies "one of the first places among the region's repeat offenders in causing more Internet blackouts"¹²⁴⁶. According to some journalists, "what is happening is a state of total isolation that prevents me not only to denounce in networks but also to communicate with my family, because given the harassment of independent journalists in Cuba, it is normal for the family to worry about these situations"¹²⁴⁷.

549. In 2023, the Office of the Special Rapporteur observed a growing trend of internet outages in contexts of social protest and other activist calls. Thus, for example, in May, complaints were received about an alleged internet outage in the midst of social demonstrations in the municipality of Caimanera, Guantánamo¹²⁴⁸. According to independent media reports, minutes after videos were circulated on social networks showing people shouting "long live free Cuba" and a group of military personnel physically attacking the demonstrators, mobile data internet failures began to be reported, both in mobile and landline calls, as well as text messages. NetBlock, an observatory that monitors web outages around the world, denounced that internet traffic had collapsed on the island after the protests in Caimanera¹²⁴⁹. The following day, activists and independent journalists reportedly reported that their mobile data service was still down¹²⁵⁰. Internet outages were also reportedly reported on the cell phones of opponents, activists and independent journalists during the 121st anniversary of the founding of the Republic of Cuba, for which some activists had launched a call¹²⁵¹. As already mentioned, the interruption reportedly left part of the editorial staff of the independent media *14ymedio* incommunicado for the entire day¹²⁵².

550. On the other hand, the Rapporteurship notes that the Cuban authorities have also taken regulatory measures that could limit the exercise of the right to freedom of expression in digital environments. In April 2023, the governments of Cuba and China reportedly signed an agreement on cybersecurity during the working visit led by Deputy Prime Minister Jorge Luis Perdomo to Beijing, according to the Ministry of Foreign Affairs of the Republic of Cuba¹²⁵³. According to available information, the agreement signed by Cuban Minister of Communications Mayra Arevich and Chinese Vice Minister of Cyberspace Administration Cao Shuming "could constitute another step in the strengthening of control and censorship of Internet use on the island by the regime"¹²⁵⁴. For their part, Cuban independent media pointed out that the agreement would require "all social networking services and video platforms to review users' comments before publishing them", and would

¹²⁴⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 53 et seq.

¹²⁴⁵ Freedom House, [Freedom on the Net 2023](#), 2023.

¹²⁴⁶ Diario Las Américas, [Authorities blocked the Internet in 35 countries in 2022](#), March 21, 2023.

¹²⁴⁷ AccessNow, [Report: Internet blackouts in 2022](#), February 2023.

¹²⁴⁸ Semana, [Denuncian caída de internet en Cuba en medio de manifestaciones cerca a Guantánamo](#), May 7, 2023.

¹²⁴⁹ NetBlocks X account (@netblocks), [May 6, 2023](#).

¹²⁵⁰ 14ymedio, [Internet cuts and 'black berets' to repress hundreds of demonstrators in Cuba](#), May 7, 2023.

¹²⁵¹ 14ymedio, [Police operations, internet cuts and surveillance against activists mark May 20 in Cuba](#), May 21, 2023.

¹²⁵² 14ymedio, [Police operations, internet cuts and surveillance against activists mark May 20 in Cuba](#), May 21, 2023.

¹²⁵³ Ministry of Foreign Affairs of the Republic of Cuba, [Vice Prime Minister of Cuba closed intense working visit to China](#), April 9, 2023.

¹²⁵⁴ Marti News, [Cuba and China sign agreement on cybersecurity](#), April 4, 2023.

also prohibit the expression of comments to "disseminate information that alters the normal order and diverts public opinion"¹²⁵⁵.

551. Finally, in May 2023, as already mentioned by this Office, the National Assembly of People's Power of Cuba approved the new Law of Social Communication with which it would seek to regulate communication on the Internet and prohibit independent media in the country¹²⁵⁶. According to what the Special Rapporteur was able to learn, the approved text would prohibit, among other things, "the dissemination of information that could 'destabilize the socialist state' both in the media and in 'cyberspace'"¹²⁵⁷. The law dictates that the subjects bound by the law "are digital content providers when they generate, select, modify, interact and publish content directed at users of the networks," and that these subjects must "answer for the content they generate, select, modify, interact and publish"¹²⁵⁸. The law also prohibits "criticizing high-ranking officials, defaming, slandering or libeling persons, organs, bodies and entities of the State, political, mass and social organizations of the country"¹²⁵⁹. Cuban independent journalists expressed the opinion that "it will be enough to make a comment or react favorably to a publication that is considered to have the 'objective of subverting the constitutional order' or 'instigating terrorism and cyberwar' to contravene the law"¹²⁶⁰. For its part, the Cuban Institute for Freedom of Expression and Press (ICLEP) commented that the law nullifies public opinion, since it only allows the media authorized by the Cuban Communist Party the power to channel citizen criticism¹²⁶¹.

552. The Rapporteurship recalls that, just as States must ensure access to public spaces, such as streets, roads and public squares for the holding of meetings, they must also ensure that the Internet is available and accessible to all citizens in order to be a space that allows the organization of associations and meetings in order to participate in the political life of the country¹²⁶².

¹²⁵⁵ Diario de Cuba, [Más control en el ciberespacio: el Gobierno cubano firma un acuerdo con el chino](#), April 4, 2023.

¹²⁵⁶ Infobae, [The Cuban dictatorship approved the social communication law that tightens censorship and ignores the independent press](#), May 26, 2023.

¹²⁵⁷ Infobae, [The Cuban dictatorship approved the social communication law that tightens censorship and ignores the independent press](#), May 26, 2023.

¹²⁵⁸ Asamblea Nacional Poder Popular República de Cuba, [Proyecto Ley de Comunicación Social](#), November 2022.

¹²⁵⁹ Asamblea Nacional Poder Popular República de Cuba, [Proyecto Ley de Comunicación Social](#), November 2022.

¹²⁶⁰ 14ymedio, [Cubans will have to answer for a "like" on social networks](#), May 25, 2023.

¹²⁶¹ Cuban Institute for Freedom of Expression and Press (ICLEP), [El nuevo proyecto de Ley de Comunicación social anula la opinión pública](#), January 6, 2023.

¹²⁶² IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 297.

DOMINICA

553. In 2023, the Office of the Special Rapporteur received with concern information indicating that there had been an attempt against a journalist in the country for his investigative work, so this Office urges the authorities of Dominica to protect the life of this journalist and conduct a thorough and impartial investigation to find those responsible. Despite this episode, RELE recorded progress in investigative journalism and training for national journalists. The year 2023 was also characterized by the national debate around the electoral reform, still in progress, and the repeated social and political mobilizations by opposing sectors to demand its acceleration and the consideration of specific modifications; although the protests would have been peaceful, the Rapporteurship recorded possible instances of stigmatization against social protest and foreign electoral observers. With regard to the fight against discrimination and exclusion, the Rapporteurship took note of statements and events throughout the year that would have empowered historically marginalized groups, such as women and indigenous groups. Finally, the Office learned of progress in universal access in *Kalinago* territory and efforts to promote digital literacy, especially among secondary school students. However, the Rapporteurship was informed of repeated power outages that would undermine the population's access to the Internet and the digital economy.

A. Journalism and democracy

554. Throughout 2023, the Office of the Special Rapporteur recorded that the Prime Minister's office held press conferences every two weeks, which were broadcast live on social networks.¹²⁶³ According to public information, several of them would have been attended by other public officials, especially members of the cabinet.¹²⁶⁴

555. In the context of the commemoration of World Press Freedom Day on May 3, 2023, the Office of the Special Rapporteur learned that the Embassy of the United States of America in Barbados, the Eastern Caribbean and the *Organisation of Eastern Caribbean States (OECS)* had organized, in partnership with the *Media Institute of the Caribbean (MIC)*, a three-day training for journalists on investigative journalism.¹²⁶⁵ Journalists from Dominica, as well as Antigua and Barbuda, Barbados, Guyana, Grenada, St. Lucia, St. Kitts and Nevis, St. Vincent and the Grenadines, Suriname and Trinidad and Tobago were reportedly invited to attend. According to information received by this Office, the attendees would have been able to discuss story ideas and address challenges and solutions to practicing investigative journalism in the region.¹²⁶⁶

556. So far in 2023, the Special Rapporteurship recorded the publication of investigative journalism in Dominica through the *Caribbean Investigative Journalism Network (CIJN)*, the region's leading journalism organization dedicated to holding governments, corporations and other actors accountable. In June, *CIJN* reportedly published an investigation into the proliferation of misinformation and fake news related to vaccination and how it has affected vaccination rates in the country.¹²⁶⁷ Also in the same month, a report was reportedly released addressing the risk the island faces of losing its freshwater sources.¹²⁶⁸ In July, an article was published analyzing Dominica's geothermal energy potential, detailing the obstacles to its

¹²⁶³ Dominica News Online, [LIVE \(from 10:00 a.m.\): PM Skerrit press conference](#), January 30, 2023; Q95FM, [Prime Minister Roosevelt Skerrit says he is completely committed to bringing the issue of electoral reform to a close by implementing the required laws to ensure fair and transparent elections](#), June 21, 2023.

¹²⁶⁴ X account of the Office of The Prime Minister of Dominica, [February 27, 2023](#); Government of Dominica, [Prime Minister Roosevelt Skerrit Press Conference - 13th March, 2023](#), March 13, 2023.

¹²⁶⁵ U.S. Embassy in Barbados, the Eastern Caribbean, and the OECS, [U.S. Embassy Marks World Press Freedom Day with Week-Long Activities](#), May 3, 2023.

¹²⁶⁶ U.S. Embassy in Barbados, the Eastern Caribbean, and the OECS, [U.S. Embassy Marks World Press Freedom Day with Week-Long Activities](#), May 3, 2023.

¹²⁶⁷ Caribbean Investigative Journalism Network, [Misinfo 'Epidemic' Blamed for Vax Hesitancy in Dominica](#), June 29, 2023.

¹²⁶⁸ Caribbean Investigative Journalism Network, [Dominica at Risk of Losing its Fresh Water Resource](#), June 30, 2023.

development.¹²⁶⁹ Finally, in September, *CIJN* reportedly presented research examining the impact of climate change on the health of communities with disabilities in Dominica.¹²⁷⁰

557. On July 9, 2023, the Office of the Special Rapporteur received reports that the vehicle of Dominican journalist Carlisle Jno Baptiste was reportedly set on fire at his place of residence, in the town of Pointe Michel, Saint Luke Parish.¹²⁷¹ The journalist, who has worked in multiple media outlets such as *The Chronicle*, *DBS Radio*, *Q95*, *Dominica News Online* and is currently owner of his own media outlet, *Nature Isle News*, reportedly argued that the attack was due to his journalistic work.¹²⁷² Days earlier, the journalist had covered a story on the arrest and possible deportation of Dominican businessman Dowlin Alexander in Antigua and Barbuda based on an INTERPOL circular, filed by the French government for allegedly participating in illicit activities.¹²⁷³

558. This Office reiterates that violence against journalists constitutes the most serious form of violation of freedom of expression, not only because it attacks the life and integrity of the victim, but also because these crimes have a pluri-offensive effect, that is, they affect several legally protected interests, namely: (i) the right of the victim to express himself and express his ideas; (ii) the inhibiting effect they generate in the guild and communicators of the same area, region or country; and (iii) it affects the right to freedom of expression in its collective dimension, inasmuch as society as a whole is deprived of being informed. Consequently, democratic debate is also affected, since it restricts or suppresses the free and open debate that a healthy and robust democracy presupposes.¹²⁷⁴

559. In addition, this Office recalls that the obligation to investigate, prosecute and punish requires States to investigate violence against journalists without delay and using all available legal means, with the aim of clarifying the truth and ensuring that the perpetrators are identified, prosecuted and punished.¹²⁷⁵ Likewise, the obligation to protect requires States to take concrete measures when journalists face real and imminent danger because of the exercise of their profession; in particular, protection measures should be tailored to the individual circumstances of the person at risk, including the need or desire to continue carrying out the same professional activities and his or her social and economic circumstances.¹²⁷⁶

B. Freedom of expression, rule of law and democratic institutions

560. In January 2023, the Office of the Special Rapporteur received reports that employees of the *Grotto Home for the Homeless*, a shelter for the homeless, had demanded that they be paid the five months' salary owed to them.¹²⁷⁷ Otherwise, according to available information, the employees would go on strike, leading to a disruption of services at the center that would affect about 40 people living in extreme poverty.¹²⁷⁸ After two nights of protest during which residents were reportedly left unattended, *Grotto Home* management

¹²⁶⁹ Caribbean Investigative Journalism Network, [Geothermal Energy: A Possibility or A Wasted Venture](#), July 25, 2023.

¹²⁷⁰ Caribbean Investigative Journalism Network, [The Impact Of Climate Change On The Disabled Communities' Health In Dominica](#), September 11, 2023.

¹²⁷¹ Dominica News Online, [Vehicle of journalist Carlisle Jno Baptiste firebombed](#), July 9, 2023; The Observer, [Journalist believes car was destroyed for reporting deportation of Dominican businessman from A&B](#), July 10, 2023.

¹²⁷² Dominica News Online, [Vehicle of journalist Carlisle Jno Baptiste firebombed](#), July 9, 2023; The Observer, [Journalist believes car was destroyed for reporting deportation of Dominican businessman from A&B](#), July 10, 2023.

¹²⁷³ Nature Isle News, [UPDATE-Dowlin Alexander was arrested in Antigua on an Interpol warrant and will be sent back to Dominica](#), July 8, 2023; Dominica News Online, [Alexander files lawsuit against Antigua following arrest](#), July 12, 2023.

¹²⁷⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, March 15, 2017, para. 330.

¹²⁷⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, Violence against journalists and media workers: Inter-American standards and national practices on prevention, protection and the pursuit of justice, OEA/Ser.L/V/II. IACHR/RELE/INF.12/13, December 31, 2013, para. 293.

¹²⁷⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, Violence against journalists and media workers: Inter-American standards and national practices on prevention, protection and the pursuit of justice, OEA/Ser.L/V/II. IACHR/RELE/INF.12/13, December 31, 2013, para. 291.

¹²⁷⁷ Dominica News Online, [Frustrated employees of Grotto Home demand full five-month salary or threaten further protest actions](#), January 27, 2023.

¹²⁷⁸ Dominica News Online, [Frustrated employees of Grotto Home demand full five-month salary or threaten further protest actions](#), January 27, 2023.

reportedly disbursed two months' back pay to staff on January 26, and pledged to pay the remainder by the end of February.¹²⁷⁹

561. This Office recalls that protest as a form of participation in public affairs is especially relevant for groups of people historically discriminated against or marginalized.¹²⁸⁰

562. As explained by the Electoral Observation Mission (EOM) of the Organization of American States (OAS) in its preliminary report of the General Elections held on December 6, 2022 in Dominica, the 2022 elections on the island "took place in a complex electoral and political environment, in which electoral reform was the issue of greatest interest to national actors."¹²⁸¹

563. According to the OAS-EOM, since 2015 there has been a nationwide debate on the modernization of the electoral system and process, including repeated public demonstrations.¹²⁸² In 2019, as recorded by this Office in its annual report, the government of Dominica would have requested assistance for the implementation of an electoral reform to the CARICOM Secretariat (CARICOM), the Commonwealth Secretariat (COMSEC) and the General Secretariat of the Organization of American States (GS/OAS); these three bodies would have conducted a Joint Special Mission in August 2019.¹²⁸³

564. After the 2019 general elections, during which there were reportedly several protests regarding electoral reform, and in order to once again seek a consensus solution, the government reportedly appointed a commissioner on electoral reform.¹²⁸⁴ In a missive sent to the then leader of the opposition dated November 6, 2022, circulated in the media in Dominica, it would indicate that the commissioner planned to present his report on the first phase of the electoral reform, together with an initial bill, in November 2022, in order to be enacted in January 2023.¹²⁸⁵ The report on the second phase and other bills would be submitted in January and February 2023, with a view to enactment in March and April 2023.¹²⁸⁶

565. According to the OAS-EOM, the announcement made by the Prime Minister, also on November 6, 2022, that new general elections would be held on December 6, 2022, two years ahead of schedule, would have generated discontent in Dominica;¹²⁸⁷ this because the elections would be held once again without the planned changes in the electoral framework, at a time when the path towards a possible solution was taking shape.¹²⁸⁸ The Prime Minister reportedly informed the Mission that he did not receive the November 6 letter and was not aware of it until after the announcement of the dissolution of parliament and the December 6 elections.¹²⁸⁹ However, the Prime Minister reportedly confirmed his commitment to electoral reform and

¹²⁷⁹ Dominica News Online, [Frustrated employees of Grotto Home demand full five-month salary or threaten further protest actions](#), January 27, 2023.

¹²⁸⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 23.

¹²⁸¹ Organization of American States - Electoral Observation Mission. December 8, 2022. [Preliminary Report of the OAS Electoral Observation Mission for the General Elections held on December 6, 2022 in the Commonwealth of Dominica](#).

¹²⁸² Organization of American States - Electoral Observation Mission. December 8, 2022. [Preliminary Report of the OAS Electoral Observation Mission for the General Elections held on December 6, 2022 in the Commonwealth of Dominica](#).

¹²⁸³ IACHR, Annual Report 2019, Annual Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II. Doc. 5., February 24, 2020, paras. 476-481.

¹²⁸⁴ Government Information Service of Dominica, [SIR DENNIS BYRON APPOINTED COMMISSIONER FOR ADVANCEMENT OF ELECTORAL REFORM](#), August 31, 2020.

¹²⁸⁵ Dominica News Online, [Sir Byron tells Opposition Leader he is 'working towards expediting' presentation of electoral reform recommendations. Phase 1 to be presented this month](#), November 8, 2022; Caribbean Loop News, [Dominica: Another opposition party to boycott snap poll](#), November 9, 2022.

¹²⁸⁶ Dominica News Online, [Sir Byron tells Opposition Leader he is 'working towards expediting' presentation of electoral reform recommendations. Phase 1 to be presented this month](#), November 8, 2022; Caribbean Loop News, [Dominica: Another opposition party to boycott snap poll](#), November 9, 2022.

¹²⁸⁷ Barbados Today, [Dominica - Prime Minister Skerrit announces date for snap general election](#), November 6, 2022; Caribbean Loop News, [UWP to boycott snap general election](#), November 8, 2022.

¹²⁸⁸ Barbados Today, [Dominica - Prime Minister Skerrit announces date for snap general election](#), November 6, 2022; Caribbean Loop News, [UWP to boycott snap general election](#), November 8, 2022.

¹²⁸⁹ Organization of American States - Electoral Observation Mission, [Preliminary Report of the OAS Electoral Observation Mission for the General Elections held on December 6, 2022 in the Commonwealth of Dominica](#), December 8, 2022.

promised to proceed after the elections with the requested review and consultations, engaging in a dialogue with the opposition.¹²⁹⁰

566. In the weeks prior to the December 6 elections, the OAS-EOM reportedly observed criticism from the opposition in radio broadcasts and social networks, in which repeated calls for protests and civil disobedience were made through the political platform "Coalición para la Reforma Electoral" [*Election Reform Coalition (ECR)*].¹²⁹¹ Reports received by this Office would indicate that this rhetoric would have been directed in part to the international electoral observation missions that had been invited to Dominica.¹²⁹² Although several protest demonstrations were reportedly held in the weeks prior to the elections, "the promised acts of disruption, disobedience and obstruction of the work of the electoral observation missions did not materialize."¹²⁹³ For its part, the OAS Mission noted that opposition parties opposed to the elections insisted that the protests were peaceful.¹²⁹⁴

567. The Special Rapporteurship echoes the pronouncement of the OAS-EOM, recalling that "election observers, both international and national, are specialized human rights defenders whose work fosters respect for human rights, promotes the integrity of elections, supports the rule of law, and strengthens democratic development."¹²⁹⁵ Therefore, RELE joins the calls of the OAS-EOM and the UN Special Rapporteurs on the rights to freedom of peaceful assembly and of association and on the situation of human rights defenders for the necessary measures to be taken to "create conditions that would allow observers to work effectively in a climate of security."¹²⁹⁶

568. Based on the OAS-EOM's account, this Office welcomes the fact that the authorities of Dominica have taken all the necessary measures in a timely manner to provide the accreditation, information and security conditions mentioned by the special rapporteurs, which would have facilitated their work.¹²⁹⁷

569. At the end of 2022, the Rapporteurship received the first report, which included a legislative framework to modernize the current electoral system and bring it in line with international best practices: the *Register of Electors Bill 2023* [*Register of Electors Bill 2023*] and the *Register of Electors Regulations 2023* [*Register of Electors Regulations 2023*].¹²⁹⁸

570. Despite the presentation of the electoral reform commissioner's reports, RELE received new reports of protests over their content. In February 2023, with the first session of the parliament elected in the December 2022 elections, members of opposition and civil society sectors reportedly gathered outside the parliament to demand that its drafting be accelerated after the first report was presented.¹²⁹⁹ On May 31, 2023, this Office also recorded another demonstration advocating for a holistic reform, called by the opposition party and other social groups.¹³⁰⁰ The day before this demonstration, the Minister of National Security reportedly

¹²⁹⁰ Caribbean Loop News, [Dominica PM promises electoral reform will be debated in new term](#), November 8, 2022; Government Information Service of Dominica, [ELECTORAL REFORM IS A PRIORITY FOR GOVERNMENT DURING NEW TERM IN OFFICE](#), December 8, 2022.

¹²⁹¹ Nation News, [Dominica: Opposition coalition groups call for boycott of snap general election](#), November 11, 2022; Q95FM, [Election Reform Coalition \(ECR\) of Opposition Parties & Civil Society Groups call for peaceful protest Thursday to show disapproval of snap elections for Dominica before imperative reforms are implemented](#), November 14, 2022.

¹²⁹² Organization of American States - Electoral Observation Mission, [Preliminary Report of the OAS Electoral Observation Mission for the General Elections held on December 6, 2022 in the Commonwealth of Dominica](#), December 8, 2022.

¹²⁹³ Organization of American States - Electoral Observation Mission, [Preliminary Report of the OAS Electoral Observation Mission for the General Elections held on December 6, 2022 in the Commonwealth of Dominica](#), December 8, 2022.

¹²⁹⁴ Organization of American States - Electoral Observation Mission, [Preliminary Report of the OAS Electoral Observation Mission for the General Elections held on December 6, 2022 in the Commonwealth of Dominica](#), December 8, 2022.

¹²⁹⁵ Organization of American States - Electoral Observation Mission, [Preliminary Report of the OAS Electoral Observation Mission for the General Elections held on December 6, 2022 in the Commonwealth of Dominica](#), December 8, 2022.

¹²⁹⁶ UN Special Rapporteurs on the rights to freedom of peaceful assembly and of association & on human rights defenders, [The Situation of Election Observers as Human Rights Defenders](#), 27 October 2022.

¹²⁹⁷ Organization of American States - Electoral Observation Mission, [Preliminary Report of the OAS Electoral Observation Mission for the General Elections held on December 6, 2022 in the Commonwealth of Dominica](#), December 8, 2022.

¹²⁹⁸ Government of Dominica Web Portal, [Report on Electoral Reform in Dominica](#), June 21, 2023.

¹²⁹⁹ Dominica News Online, [LIVE: Protest Action outside parliament for electoral reform](#), February 7, 2023.

¹³⁰⁰ Dominica News Online, [LIVE on DNO from 3pm: Electoral reform rally in Roseau May 31st 2023](#), May 31, 2023.

announced to the public that further reinforcement would be provided to the *Commonwealth of Dominica Police Force (CDPF)* to ensure that any "demonstration of violence or incitement to violence is dealt with swiftly and decisively."¹³⁰¹ Additionally, the official reportedly argued that citizens should "embrace peace and development," suggesting that they "reach out to this culture of protest."¹³⁰² For his part, the prime minister reportedly accused the opposition of damaging the country's international image and urged the population to "support what is right, what is good, what is constructive and what is God-driven."¹³⁰³

571. In June 2023, the Special Rapporteur, through the government, received the second report of the commissioner for electoral reform. According to public information, the report would address changes to the electoral process and the Electoral Commission, the competent authority, through two bills: the *House of Assembly (Elections) Act 2023* [*House of Assembly (Elections) Act 2023*] and the *Electoral Commission Bill 2023* [*Electoral Commission Bill 2023*].¹³⁰⁴ On August 14, this Office learned from the Cabinet Office that public consultations on the legislative frameworks and bills proposed by the Commissioner would be held until the end of the month; such consultations would have been broadcast on the *Government Information Services (GIS)* channel and would have been attended by political parties, independent candidates, businessmen and representatives of multilateral agencies, among other stakeholders.¹³⁰⁵

572. On August 23, after the presentation of the commissioner's second and last report and the announcement of public consultations, the Rapporteurship received reports that a march, led by the opposition, would take place to, among other reasons, reject the electoral reform's stipulations regarding overseas voters and to obtain the support of international electoral observers.¹³⁰⁶ The police reportedly authorized the latter demonstration on August 11, establishing a route and schedule for the marchers.¹³⁰⁷

573. In September 2023, this Office became aware of reports alleging that the Prime Minister had asked the public, in a consultation on August 30, 2023, not to delay the electoral reform process by bringing in new constitutional reform issues that would not be part of the work done by the commissioner.¹³⁰⁸ The prime minister reportedly suggested to the public to take into account the critical aspects of the reform and move forward on them.¹³⁰⁹

574. The Office of the Special Rapporteur recalls that there is a strong interconnection between the right to protest and the right to freedom of expression and the right of assembly and call. It is also strongly associated with human rights defense activities, including demands for recognition, protection or exercise of a right, as well as with the promotion and defense of democracy.¹³¹⁰ Therefore, political authorities should

¹³⁰¹ Dominica News Online, [Blackmoore implores Dominicans to 'reject this culture of protest'](#), 30 May 2023; Caribbean Times, [DOMINICA-Government warns there will be no repeat of the 2017 disturbance](#), 2 June 2023.

¹³⁰² Dominica News Online, [Blackmoore implores Dominicans to 'reject this culture of protest'](#), 30 May 2023; Caribbean Times, [DOMINICA-Government warns there will be no repeat of the 2017 disturbance](#), 2 June 2023.

¹³⁰³ Dominica News Online, [Electoral reform rally scheduled for today amidst criticism from PM and Security Minister](#), May 31, 2023.

¹³⁰⁴ Government of Dominica Web Portal, [Report on Electoral Reform in Dominica](#), June 21, 2023.

¹³⁰⁵ Caribbean Loop, [Dominica to hold public consultations on electoral reforms](#), August 9, 2023; Dominica News Online, [Presentations from DBF electoral reform draft legislation review \(part 1\): Sir Dennis Byron](#), August 9, 2023; Associate Times, [Dominica to commence series of public consultations on electoral reform on Monday](#), August 14, 2023; Government Information Services of Dominica, [Public Consultations on Electoral Reform](#), August 15, 2023.

¹³⁰⁶ Carib Daily News, [Dominica's UWP March: Uniting Voices for Change in 2023 August 23rd](#), August 22, 2023; Dominica News Online, [UWP march set for tomorrow: Linton highlights areas of concern](#), August 22, 2023.

¹³⁰⁷ Carib Daily News, [Dominica's UWP March: Uniting Voices for Change in 2023 August 23rd](#), August 22, 2023; Dominica News Online, [UWP march set for tomorrow: Linton highlights areas of concern](#), August 22, 2023.

¹³⁰⁸ Government Information Services of Dominica, August 30, 2023. [Public Consultation on Electoral Reform 30-8-2023](#); Dominica News Online, September 1, 2023. [PM cautions public not to delay electoral reform process by 'unduly bringing up issues'](#).

¹³⁰⁹ Government Information Services of Dominica, [Public Consultation on Electoral Reform 30-8-2023](#), August 30, 2023; Dominica News Online, [PM cautions public not to delay electoral reform process by 'unduly bringing up issues'](#), September 1, 2023.

¹³¹⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, paras. 2,3,4.

refrain from expressing notions that are detrimental to or stigmatize a protest or the people who participate in or organize it, as this may place sectors of the population in a situation of greater vulnerability and risk.¹³¹¹

575. With respect to the ongoing electoral reform, this Office stresses that the legal frameworks that regulate electoral processes must be reviewed so as not to unduly restrict the right to freedom of expression in the traditional media and to consider the changes that are taking place in electoral campaigns, the Internet ecosystem and the new advertising paradigm based on personal data.¹³¹²

576. In late July 2023, the Special Rapporteurship learned of developments in the case against Thomson Fontaine, a former *United Workers Party (UWP)* MP who was reportedly arrested by police in April 2022 under a warrant issued in November 2018.¹³¹³ As recorded by this Office in its latest annual report, Fontaine would be among a group of opponents-within which would also be opposition leader Lennox Linton, former Prime Minister Edison James and then Speaker of the House Joseph Isaac-accused of inciting violence and disturbing the peace on February 7, 2017, when they conovoked a demonstration to demand the resignation of Prime Minister Roosevelt Skerrit that would have resulted in riots.¹³¹⁴ According to public information, Fontaine would enjoy bail and his case before the courts would have begun only until the end of April 2023, so it would remain ongoing.¹³¹⁵ The cases of Linton, James and Isaac, among others, have reportedly been adjourned *sine die* (without a fixed date for resumption) and several magistrates have reportedly recused themselves from trying them.¹³¹⁶

577. As in past annual reports, this Office recalls that a detention based exclusively on the act of participating in a protest or public demonstration does not meet the requirements of reasonableness and proportionality established by international standards.¹³¹⁷ Likewise, this Office reiterates that when social protest is framed within the framework of speeches that criticize or denounce public officials and authorities or refer to matters of public interest, these are especially protected by Article 13 of the ACHR.¹³¹⁸

C. Freedom of expression and the fight against discrimination and exclusion

578. On March 8, 2023, on the occasion of International Women's Day, the Special Rapporteur recorded the commemorative message of the *Dominica National Council of Women (DNCW)*. The *DNCW* would have joined the 2023 global theme "DigitAll: Innovation and Technology for Gender Equality," highlighting the transformative impact that technology and innovation can have in promoting gender equality in Dominica and the region. In a statement, the *DNCW* reportedly emphasized that significant challenges remain, such as the digital divide, which disproportionately affects women and girls, limiting their ability to take full advantage of the digital age.¹³¹⁹ Likewise, this organization would have advocated for fair treatment, ensuring that rural women have equal access to technology as those in urban areas, that women with disabilities have

¹³¹¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 287.

¹³¹² OAS, Guide to Guarantee Freedom of Expression in the Face of Deliberate Disinformation in Electoral Contexts, OEA/Ser.D/XV.22, 2019, p. 37.

¹³¹³ IACHR, Annual Report 2022, Annual Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50. 6 March 2023, paras. 499-500.

¹³¹⁴ IACHR, Annual Report 2022, Annual Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50. 6 March 2023, paras. 499-500.

¹³¹⁵ Dominica News Online, [Incitement matter against Dr. Thomson Fontaine committed to the High Court for trial](#), July 30, 2023; The Sun, [Incitement matter against Dr. Thomson Fontaine moves to the High Court](#), August 16, 2023.

¹³¹⁶ Dominica News Online, [Incitement matter against Dr. Thomson Fontaine committed to the High Court for trial](#), July 30, 2023; The Sun, [Incitement matter against Dr. Thomson Fontaine moves to the High Court](#), August 16, 2023.

¹³¹⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 228.

¹³¹⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 206.

¹³¹⁹ Dominica News Online, [Dominica National Council of Women International Women's Day 2023 message](#), March 8, 2023.

technological devices adapted to their needs, and that all the tools, resources and training in digital literacy are provided to girls and women so that they can thrive in the digital age.¹³²⁰

579. As this Office explained in its report on women journalists and freedom of expression, States should implement educational measures to promote media and digital literacy as essential elements of human rights education and efforts to achieve gender equality.¹³²¹

580. On June 16, 2023, the Special Rapporteur was informed of the launch of the *Kalinago 120* initiative, a project of the Department of *Kalinago* Affairs to commemorate the 120th anniversary of the establishment of a territory for this indigenous minority on the island.¹³²² According to national authorities, the initiative would focus on the sustainability and economic development of the *Kalinago* territory, as well as building relationships with other indigenous communities and organizations.¹³²³ In the framework of this anniversary, the government and the community would have organized a calendar of activities in the second half of 2023, including consultations, webinars, conferences, exhibitions and other events around natural resource management, sustainable development, health, youth and culture, among others.¹³²⁴

581. Within the framework of the *Kalinago 120* initiative, the Special Rapporteur also learned of the launching of children's books about this indigenous group in a partnership between the Government of Dominica, the United Nations Development Programme and the Kalinago Council.¹³²⁵ The comic book, "The Adventures of Nago and Miri: Jewel of the Kalinago" and the coloring book, "Kalinago Iatiwa: Nou Sé Kalinago, We Are Kalinago", would showcase stories of innovation, knowledge and indigenous practices of this ethnic group.¹³²⁶ According to the initiative's sponsors, the comic book and coloring book would provide children and students with ways to learn about Kalinago cultural heritage and their contributions to the nation's development.¹³²⁷

582. This Office was briefed on the celebrations planned to commemorate the emancipation between June 28 and August 13, 2023.¹³²⁸ The Minister of Culture, Youth Sports and Community Development reportedly explained that cultural events-exhibitions, catwalks, concerts, conferences, plays-around the end of slavery, the *Kalinago people* and the *Calypso* musical genre, among others, would be organized.¹³²⁹ According to the official, these events would promote greater awareness among the population of their history and the origin of their culture, as well as foster dialogue and understanding, providing opportunities for education and empowerment.¹³³⁰

¹³²⁰ Dominica News Online, [Dominica National Council of Women International Women's Day 2023 message](#), March 8, 2023.

¹³²¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Women Journalists and Freedom of Expression, OEA/Ser.L/V/II, IACHR/RELE/INF.20/18, October 31, 2018, para. 91.

¹³²² Government Information Service - Government of the Commonwealth of Dominica, [KALINAGO EVENTS COMMITTEE TO HOST NUMEROUS ACTIVITIES AS PART OF THE KALINAGO 120 INITIATIVE](#), June 16, 2023.

¹³²³ Government Information Service - Government of the Commonwealth of Dominica, [KALINAGO EVENTS COMMITTEE TO HOST NUMEROUS ACTIVITIES AS PART OF THE KALINAGO 120 INITIATIVE](#), June 16, 2023.

¹³²⁴ Government Information Service - Government of the Commonwealth of Dominica, [KALINAGO EVENTS COMMITTEE TO HOST NUMEROUS ACTIVITIES AS PART OF THE KALINAGO 120 INITIATIVE](#), June 16, 2023.

¹³²⁵ UNDP Barbados and the Eastern Caribbean, [The Government of Dominica, the Kalinago Council and UNDP Launch Creative Children's Books During 120th Anniversary of Kalinago Territory](#), July 14, 2023.

¹³²⁶ UNDP Barbados and the Eastern Caribbean, [The Government of Dominica, the Kalinago Council and UNDP Launch Creative Children's Books During 120th Anniversary of Kalinago Territory](#), July 14, 2023.

¹³²⁷ UNDP Barbados and the Eastern Caribbean, [The Government of Dominica, the Kalinago Council and UNDP Launch Creative Children's Books During 120th Anniversary of Kalinago Territory](#), July 14, 2023.

¹³²⁸ Associate Times, [Dominica set to host Emancipation Celebration 2023, know calendar of events](#), June 22, 2023; Dominica News Online, [Emancipation celebrations 2023 to focus on Kalinago Territory, Calypso Day and Emancipation Lecture Series among other activities](#), June 30, 2023.

¹³²⁹ Associate Times, [Dominica set to host Emancipation Celebration 2023, know calendar of events](#), June 22, 2023; Dominica News Online, [Emancipation celebrations 2023 to focus on Kalinago Territory, Calypso Day and Emancipation Lecture Series among other activities](#), June 30, 2023.

¹³³⁰ Associate Times, [Dominica set to host Emancipation Celebration 2023, know calendar of events](#), June 22, 2023; DOM 767, [Dominica's Emancipation Celebrations Promise Cultural Immersion and Empowerment](#), June 29, 2023.

583. In July 2023, this Office learned of the international launch of the documentary "Secrets of the Caribbean: Story of the Nature Isle, Dominica" which would narrate the history and natural wealth of the island, including the legacy of the *Kalinago people*, as well as the threat posed by climate change.¹³³¹ According to available information, the documentary has won awards in South Korea, Singapore, Taiwan, Qatar, United Arab Emirates and India.¹³³²

584. In September 2023, RELE also learned of the debut of a documentary about the *Kalinago people*, titled "Territory," at the *Caribbean Tales International Film Festival (CTFF)* in Toronto, Canada; "Territory" reportedly won Best Short Documentary (tied with Vashni Korin Puerto Rico's "Negra, Yo Soy Bella").¹³³³ Its director, Jael Joseph, reportedly explained that the documentary explores the political struggles of members of this indigenous group, as well as the loss of their language and the inability to use their land for development because they do not have titles.¹³³⁴

585. This Office welcomes all efforts to protect the diverse identities of historically marginalized groups.

D. Freedom of expression and the Internet

586. In early January 2023, the Office of the Special Rapporteur recorded efforts to ensure that the eight villages in the *Kalinago* territory and indigenous reserve have equal opportunities for Internet connectivity. According to information received by this Office, through the combined partnership of the governments of Canada, India, Japan and the United Kingdom, the United Nations Program (UNDP) would be expanding Wi-Fi coverage through the donation and installation of new hardware, in particular 12 network nodes.¹³³⁵ According to UNDP figures, only 55 percent of *Kalinago's* territory would have Internet access, so the goal would be to reach 100 percent coverage to "promote *Kalinago's* heritage and traditions both in Dominica and the rest of the world," as well as to "take advantage of the digital economy."¹³³⁶

587. At the end of January 2023, this Office became aware of the launch of *Flow Business* in Dominica, a company that would offer broadband internet and telephony packages for small and medium-sized businesses on the island and would guarantee four simplified packages, better connectivity, product customization and 24-hour support.¹³³⁷

588. Between July and August 2023, the Special Rapporteur was informed of at least three free courses by the government of Dominica to develop digital skills. These would have included *Digital Literary Training* for adults, covering device use and information management, content creation and editing, making online payments, and measures to ensure Internet safety and wellbeing;¹³³⁸ programming workshops for high school students;¹³³⁹ and workshops for web design, also for high school students.¹³⁴⁰

589. In the second half of 2023, the Rapporteurship recorded widespread power outages and citizen complaints on social media about the cost and reliability of electricity service. On August 22, 2023, the Rapporteurship recorded a power outage as a result of a damaged pipe following heavy rainfall and the fall of

¹³³¹ Dominica News Online, [An in-depth documentary film on Dominica turns heads on international stage](#), July 7, 2023.

¹³³² Dominica News Online, [An in-depth documentary film on Dominica turns heads on international stage](#), July 7, 2023.

¹³³³ Dominica News Online, [Jael Joseph makes Caribbean Tales Film Festival debut with 'Territory'- a Kalinago documentary](#), August 15, 2023; Kairi FM, ["Territory": Dominican Film wins Best Documentary at Canadian Film Festival](#), undated.

¹³³⁴ Dominica News Online, [Jael Joseph makes Caribbean Tales Film Festival debut with 'Territory'- a Kalinago documentary](#), August 15, 2023; Kairi FM, ["Territory": Dominican Film wins Best Documentary at Canadian Film Festival](#), undated.

¹³³⁵ UNDP Barbados and the Eastern Caribbean, [The Kalinago get a Boost as UNDP and Partners Expand Community Wi-Fi Coverage](#), January 17, 2023.

¹³³⁶ UNDP Barbados and the Eastern Caribbean, [The Kalinago get a Boost as UNDP and Partners Expand Community Wi-Fi Coverage](#), January 17, 2023.

¹³³⁷ Kairi FM, [Flow Business: Dominica Launch](#), January 20, 2023; Dominica News Online, [Press Release: Local businesses to benefit from launch of Flow Business in Dominica](#), January 23, 2023.

¹³³⁸ Government of Dominica, [Digital Literacy Beginner Level \(Adult\)](#), July 10, 2023.

¹³³⁹ Government of Dominica, [Programming Summer Camp 2023 \(High School Students\)](#), July 10, 2023.

¹³⁴⁰ Government of Dominica, [Web Designing Summer Tech Camp \(High School Students\)](#), July 10, 2023.

at least one tree, according to information shared by the sole electricity provider on the island: *Dominica Electricity Services Limited (DOMLEC)*.¹³⁴¹ According to estimates, this one-day outage would have resulted in losses of 5 megawatts of hydroelectric power.¹³⁴² On September 14, this Office also received reports of another island-wide power outage due to insufficient generation capacity.¹³⁴³ According to *DOMLEC*'s manager, there has been an increase in energy consumption in Dominica that exceeds the company's capacity, in addition to aging equipment.¹³⁴⁴ For this reason, the company would have sought to obtain a new generator, lease two megawatts of generation from abroad and hire a power generation consultant to evaluate the island's generation system; as a long-term solution, *DOMLEC* would expect the entry into operation of a 10 megawatt geothermal power plant in Laudat in the coming years.¹³⁴⁵ On September 25 and 26, the company reportedly informed residents throughout the south of the island of further power outages to perform maintenance and prevent unexpected outages, for which it apologized to residents in impacted areas.¹³⁴⁶

590. As a consequence of the repeated power outages, the Special Rapporteur received information indicating that various sectors of society, the private sector and the government are exploring alternative energy sources, including solar, wind, hydroelectric and geothermal, which would also help reduce the island's carbon footprint and mitigate fluctuations in fossil fuel prices.¹³⁴⁷

591. The Office of the Special Rapporteur recalls that access to the Internet must be guaranteed universally, adopting measures to close the digital divide, promoting infrastructure development policies, and protecting at all times the quality and integrity of the service, establishing explicit prohibitions on arbitrary, partial or total blocking and slowdowns.¹³⁴⁸ In addition, speed, stability, affordability, quality, integrity, multilingualism, inclusion of local content and accessibility for people with disabilities are elements that make access universal and equitable.¹³⁴⁹

592. On the other hand, the Rapporteurship welcomes the fact that the authorities of Dominica, as encapsulated by this Office in its report on freedom of expression and the Internet, encourage educational measures aimed at promoting the ability of all persons to make autonomous, independent and responsible use of the Internet and digital technologies.¹³⁵⁰

593. In March 2023, this Office was informed of the launch of an enhanced government services website that would provide access to all ministries, forms and payment buttons for citizens.¹³⁵¹ Additionally, and according to information provided by the minister of public works, public services and digital economy, the government would have secured funds to support the implementation of its digital strategy that

¹³⁴¹ Caribbean Loop News, [Dominica: DOMLEC blames fallen tree for islandwide blackout](#), August 23, 2023; Carib Daily News, [Dominica: Domlec Attributes Islandwide Power Outage to Damaged Pipeline Amid Heavy Rainfall](#), August 23, 2023.

¹³⁴² Dominica News Online, [UPDATE: Island-wide power cut is as a result of insufficient generation capacity says DOMLEC General Manager Bertilia McKenzie](#), September 14, 2023; Carib Daily News, [Dominica Faces Unplanned Power Outages: DOMLEC Issues Apology](#), September 15, 2023.

¹³⁴³ Dominica News Online, [UPDATE: Island-wide power cut is as a result of insufficient generation capacity says DOMLEC General Manager Bertilia McKenzie](#), September 14, 2023; Carib Daily News, [Dominica Faces Unplanned Power Outages: DOMLEC Issues Apology](#), September 15, 2023.

¹³⁴⁴ Dominica News Online, [UPDATE: Island-wide power cut is as a result of insufficient generation capacity says DOMLEC General Manager Bertilia McKenzie](#), September 14, 2023; Carib Daily News, [Dominica Faces Unplanned Power Outages: DOMLEC Issues Apology](#), September 15, 2023.

¹³⁴⁵ Dominica News Online, [UPDATE: Island-wide power cut is as a result of insufficient generation capacity says DOMLEC General Manager Bertilia McKenzie](#), September 14, 2023; Carib Daily News, [Dominica Faces Unplanned Power Outages: DOMLEC Issues Apology](#), September 15, 2023.

¹³⁴⁶ WIC News, [Parts of Dominica to face power outages as maintenance work continues](#), September 25, 2023; Associate Times, [Dominica: Power outage declared for Canefield area](#), September 26, 2023.

¹³⁴⁷ Dominica News Online, [Alternative energy being explored as power cuts plague Dominica](#), September 13, 2023; Carib Daily News, [Dominica Explores Alternative Energy as Power Cuts Plague the Island](#), September 14, 2023.

¹³⁴⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a Free, Open and Inclusive Internet, OEA/Ser.L/V/II. IACHR/RELE/INF.17/17, March 15, 2017, para. 32.

¹³⁴⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a Free, Open and Inclusive Internet, OEA/Ser.L/V/II. IACHR/RELE/INF.17/17, March 15, 2017, para. 40.

¹³⁵⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para 48.

¹³⁵¹ Dominica News Online, [New government cyber portal to accommodate web services across several sectors](#), March 16, 2023.

modernizes telecommunications in the public, corporate and education sectors.¹³⁵² The associated projects of this strategy would include the development of an enabling environment for the digital economy, the development of digital infrastructure, platforms and government services, equipping citizens with digital skills, and national and regional support for the implementation of these initiatives.¹³⁵³

594. In July 2023, this Office recorded that the National Bank of Dominica would have held its second annual cybersecurity awareness month. Over four weeks, the bank reportedly organized a series of activities-informational sessions, workshops, competitions, etc.-targeted at businesses, seniors, parents, students and customers to ensure that these stakeholders recognize the importance of cybersecurity and have the knowledge and skills to safeguard their information online.¹³⁵⁴ These activities would have been aimed at individuals of different ages, particularly students and senior citizens as they are among the most vulnerable groups.¹³⁵⁵

595. In September 2023, RELE learned that the *Get Safe Online* platform, one of the world's leading online security resources, would have launched its "Check a Website" service in Caribbean countries, including Dominica.¹³⁵⁶ This new service would allow individuals and businesses to navigate the online world safely by verifying the legitimacy and security of websites before interacting with them.¹³⁵⁷ According to the Ministry of Information and Communication Technologies, Utilities and Energy, this service would now be available to citizens to assume their responsibility in cybersecurity.¹³⁵⁸

596. The Office of the Special Rapporteur recalls that the possible response of States in terms of security in cyberspace should be limited and proportionate, and seek to comply with precise legal purposes that do not compromise the democratic virtues that characterize the network.¹³⁵⁹ In this sense, governments should refrain from favoring the concentrated and centralized use of criminal law as the fundamental instrument for dealing with all possible threats to online security.¹³⁶⁰

¹³⁵² Dominica News Online, [New government cyber portal to accommodate web services across several sectors](#), March 16, 2023.

¹³⁵³ Government of Dominica. n.d. [Caribbean Digital Transformation Project](#).

¹³⁵⁴ Dominica News Online, [National Bank of Dominica Ltd. hosts successful month of Cybersecurity Awareness](#), August 3, 2023; Q95 FM, [NBD concluded its Second Annual Cybersecurity Awareness Month, promoting online safety and security for businesses, seniors, parents, students and customers](#), August 4, 2023.

¹³⁵⁵ Dominica News Online, [National Bank of Dominica Ltd. hosts successful month of Cybersecurity Awareness](#), August 3, 2023; Q95 FM, [NBD concluded its Second Annual Cybersecurity Awareness Month, promoting online safety and security for businesses, seniors, parents, students and customers](#), August 4, 2023.

¹³⁵⁶ Dominica News Online, [Get Safe Online launches new "Check a Website" service in Dominica](#), September 13, 2023.

¹³⁵⁷ Dominica News Online, [Get Safe Online launches new "Check a Website" service in Dominica](#), September 13, 2023.

¹³⁵⁸ Dominica News Online, [Get Safe Online launches new "Check a Website" service in Dominica](#), September 13, 2023.

¹³⁵⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 120.

¹³⁶⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 120.

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597. In 2023, journalists were victims of threats, stigmatizing comments and physical attacks, including a high-profile explosive attack against *Ecuavisa's* publication. The murder of presidential candidate and long-time journalist Fernando Villavicencio in August of this year reflects the lack of guarantees for exercising the right to freedom of expression in Ecuador. This climate of intimidation has forced several journalists into exile or internal displacement, resulting in the extension of "silenced zones" in the country. RELE considers these events as an attack on democracy itself, and regrets the significant deterioration of citizen security. In addition, the use of judicial mechanisms against journalists by public figures has been observed, which also has repercussions on the self-censorship of the press. Additionally, in November 2023, the Mechanism for Prevention and Protection of Journalistic Work was established, with the participation of state entities and representatives from the media and civil society organizations. However, the Special Rapporteur for Freedom of Expression also learned of reports indicating possible limitations in accessing financial resources, which could hinder the proper functioning of the mechanism. On the other hand, the Rapporteurship welcomes the decision of the Court of Criminal Guarantees of Pichincha to release the Swedish computer scientist Ola Bini, as well as the efforts of the State to improve Internet connection in rural and remote areas of the capital.

A. Journalism and democracy

598. In 2023, this Office has continued to receive reports of acts of violence against journalists in different forms, including aggressions, threats and intimidations, which would be generating a climate of intimidation of the press. One of the most serious cases was the attack with explosives against the *Ecuavisa* media outlet, which occurred in March¹³⁶¹. Journalist Lenin Artieda of *Ecuavisa* had received an envelope with a USB memory stick that contained a hidden explosive and exploded¹³⁶². Similar envelopes were sent to other journalists, such as Milton Pérez, Miguel Rivadeneira, and Carlos Vera¹³⁶³. Following the attacks, the National Government rejected "all types of violence perpetrated against journalists and media in the country,"¹³⁶⁴ and then reported that it had identified the person who sent the envelopes¹³⁶⁵.

599. Also, in January, journalist Sofía Weir and cameraman Bryan Ballesteros of *Te Veo Ecuador* were the target of an armed attack and the theft of their equipment while they were covering the city of Esmeraldas, in the northwest of the country¹³⁶⁶. In February, the house of journalist Juan Alcívar of the digital media *JAR TV* was attacked by a group of supporters of the Lista 5 party, who threw beer bottles and stones at his house and shouted epithets such as "dog", "you are going to see how we are going to run you out", and "sellout"¹³⁶⁷. In May, the president of the Communication Council of Ecuador received a flower arrangement accompanied by a card with a death threat¹³⁶⁸.

600. Likewise, RELE learned of intimidation and interference with the work of a journalist of the newspaper *Expreso*, who was trying to cover a judicial proceeding at the Provincial Delegation of the National Electoral Council in Guayas¹³⁶⁹.

601. In January, independent journalist Blanca Moncada alerted about messages circulating in WhatsApp chats of the Guayaquil Metropolitan Police that profiled her as the "main detractor" of the mayor of

¹³⁶¹ Ecuavisa, [Lenin Artieda leaves unharmed after bomb attack](#), March 20, 2023; X account of Luis Antonio Ruiz (@luisantonio_r), [March 20, 2023](#).

¹³⁶² Ecuavisa, [Lenin Artieda unharmed after bomb attack](#), March 20, 2023.

¹³⁶³ Infobae, [Attempts against journalists in Ecuador: envelopes with explosives were sent to at least four different media outlets and one of them exploded](#), March 20, 2023; Yalililé Loaiza Twitter account (@yali_loaiza), [March 20, 2023](#).

¹³⁶⁴ Twitter account of the General Secretariat of Communication of the Ecuadorian Presidency (@ComunicacionEc), [March 20, 2023](#).

¹³⁶⁵ Associated Press, [Ecuador: Identified who sent explosives to journalists](#), March 21, 2023.

¹³⁶⁶ Fundamedios, Press team was assaulted with a firearm in a border town in Ecuador, January 19, 2023.

¹³⁶⁷ Fundamedios, [Simpatizantes de autoridad electa amenazan y atacan casa de periodista en Ecuador](#), February 6, 2023.

¹³⁶⁸ Fundamedios, [President of the Communication Council of Ecuador receives death threat](#), May 19, 2023.

¹³⁶⁹ Voces del Sur, [Ecuadorian journalist prevented from entering electoral delegation facilities](#), January 25, 2023.

Guayaquil. The messages indicated an "obligation" on the part of each officer to alert the police whenever they saw the journalist¹³⁷⁰.

602. Fundamedios expressed its concern regarding "the insecurity to which journalists are exposed on a daily basis, due to organized and common crime, which only contributes to the creation of silenced zones, where journalists cannot carry out their work out of fear," and requested that the authorities guarantee journalistic work and ensure the safety of reporters¹³⁷¹.

603. Additionally, according to a Fundamedios report, 116 alerts for aggressions were registered from August 2022 until after the elections in 2023. The most affected provinces were Pichincha, Guayas and Manabí¹³⁷². The aggressions came from both state and non-state actors, and many aggressors were not identified.

604. March of this year marked the fifth anniversary of the murder of the journalists of the newspaper *El Comercio*, Efraín Segarra Abril, Javier Ortega, and Paúl Rivas¹³⁷³. The Fundación Periodista Sin Cadenas condemned the "state neglect" in peripheral areas such as Esmeraldas, where the journalists were kidnapped, and alleged that the Ecuadorian and Colombian government authorities have "made a systematic effort to bury the case, drowning it in indifference and silence"¹³⁷⁴. In April, the Foundation launched the initiative 'El muro de la impunidad' (The wall of impunity), to recall the unfulfilled promises of various Ecuadorian and Colombian officials regarding the murders of the *El Comercio* journalistic team.¹³⁷⁵ In April, the perpetrators of the murder of journalist Gerardo Delgado, on August 10, 2022, were sentenced to 34 years in prison¹³⁷⁶. Delgado was killed in an ambush when he was called to cover a "false news" of a kidnapping of an elderly woman in Las Paolas, Montecristi¹³⁷⁷.

605. RELE has also monitored reports of stigmatizing statements against journalists. According to the information available, on the night of February 14, the President of Ecuador publicly addressed citizens in a national broadcast to refer to publications made by the media outlet *La Posta*¹³⁷⁸. On this occasion, according to reports received by the Office of the Special Rapporteur, the president made a series of stigmatizing statements against the journalists of the digital portal *La Posta*, whom he described as "mercenaries of news entertainment", "media terrorists" and "spoiled" ("the spoiled ones must be stopped at bay"). He also warned that the Government "will fight against those who want to violate freedom of expression and turn this country into a debauchery of perverse and malicious stories". The president also allegedly insinuated that one of the founders of the media was linked to criminals.

606. According to RELE, these statements were made after the publication of an investigation by *La Posta*, entitled "El Gran Padrino" (The Great Godfather), which published an alleged confidential report by the National Police which mentions an alleged criminal structure in which a relative of the President is linked and which operates within the Government.

607. Faced with these facts, the Ecuadorian State reiterated its unrestricted respect for freedom of expression, and indicated that as a sign of democratic openness, the Minister of Government himself asked to be received by the digital media *La Posta*, and there he rejected that the government is a 'narco-government'

¹³⁷⁰ Fundamedios, [Ecuadorian journalist is branded as 'detractor' of Guayaquil mayor through messages on WhatsApp accounts](#), January 24, 2023.

¹³⁷¹ Fundamedios, Press team was assaulted with a firearm in a border town in Ecuador, January 19, 2023.

¹³⁷² Fundamedios, [Informe: Asesinatos, atentados y balaceras, los nuevos actores de las elecciones en Ecuador](#), February 10, 2023.

¹³⁷³ Twitter account of the Fundación Periodistas Sin Cadenas (@SinCadenasECU), [March 30, 2023](#).

¹³⁷⁴ Journalists Without Chains, [Impunity in Nos Faltan 3 fuels the context of new threats and attacks on journalists](#), March 29, 2023.

¹³⁷⁵ Twitter account of the Fundación Periodistas Sin Cadenas (@SinCadenasECU), [April 13, 2023](#).

¹³⁷⁶ El Comercio, [34 years in prison for perpetrators of the murder of journalist Gerardo Delgado](#), April 24, 2023.

¹³⁷⁷ El Comercio, [34 years in prison for perpetrators of the murder of journalist Gerardo Delgado](#), April 24, 2023.

¹³⁷⁸ Yalililé Loaiza Twitter account (@yali_loaiza), [February 14, 2023](#); Fundamedios Twitter account (@fundamedios), [February 14, 2023](#).

and that the President of the Republic heads a criminal structure. In addition, the State emphasized that "the President of the Republic also has freedom of expression and the right to a response to a journalistic profiling that makes him appear little less than a criminal"¹³⁷⁹.

608. The State emphasized its respect and guarantee to any investigation by the press, and that the Government will never oppose the reporting or investigation of acts of corruption. However, it rejected that "it would like to conclude, based on lucubrations, that the President of the Republic heads a corruption scheme, since there is not a single piece of evidence". According to the State, the right to freedom of expression "cannot protect violations of the rights of individuals and the community as a whole", including those of government authorities¹³⁸⁰.

609. Likewise, in February, former President Rafael Correa criticized the Latin American press, denouncing that what they do is "stealing the truth" and that "journalists lie shamelessly and nothing happens"¹³⁸¹. In social networks, the former president denounced *Ecuavisa* channel as a "sewer with antennas"¹³⁸² and also journalists Martin Pallares and Christian Zurita¹³⁸³. The former president also expressed his opinion on this office, denouncing that it is one of the things that must be reformed in Latin America because it is crossed by the "media power"¹³⁸⁴. In February, the political portal *Ruta Crítica*, which is aligned with former President Correa, attacked several journalists, alleging that they had links with drug trafficking¹³⁸⁵.

610. In this context, RELE was informed that at least 9 journalists have been forced to leave the country for security reasons¹³⁸⁶. Journalist Karol Noroña of *GK* left the country as a security protocol as Noroña was in a situation that threatened her life and physical integrity related to her coverage of the prison crisis and organized crime¹³⁸⁷. In April, Journalists Without Chains registered a second case of exile of a journalist due to death threats. According to the Foundation, the victim, whose name is withheld, reported the facts "in circumstances that were revictimizing and subjected him to greater vulnerability and risk"¹³⁸⁸. In August, two more journalists, Mónica Velázquez and Andersson Boscán, were forced to leave the country after receiving threats and information that they were being targeted by members of the Albanian mafia.¹³⁸⁹ Journalists Without Chains also reported to this office a case of a journalist who had to move to another city in Ecuador to escape threats for his journalistic work¹³⁹⁰.

611. Within the framework of the 188th Session of the IACHR, civil society organizations from Ecuador reported on the risks currently faced by journalists¹³⁹¹. Among the main challenges, they pointed out violence, which includes armed attacks, intimidation and threats; the closure of media outlets; stigmatizing speeches and pressures by people with political leadership; and the use of the judicial system by people of

¹³⁷⁹ Information sent by the State of Ecuador in response to the request for information from the Office of the Special Rapporteur regarding statements made by the president about journalists during a national broadcast, Note No. 4-2-064/2023, March 3, 2023.

¹³⁸⁰ Information sent by the State of Ecuador in response to the request for information from the Office of the Special Rapporteur regarding statements made by the president about journalists during a national broadcast, Note No. 4-2-064/2023, March 3, 2023.

¹³⁸¹ Fundamedios, February 15, 2023, [Former President Rafael Correa criticizes media and journalist during interview on Colombian radio](#).

¹³⁸² Fundamedios, February 15, 2023, [Former President Rafael Correa criticizes media and journalist during interview on Colombian radio](#).

¹³⁸³ Fundamedios, February 9, 2023, [Former Ecuadorian president attacks journalists after electoral process](#).

¹³⁸⁴ Fundamedios, February 15, 2023, [Former president Rafael Correa criticizes media and journalist during interview on Colombian radio](#).

¹³⁸⁵ Fundamedios, [Portal político tilda a periodistas ecuatorianos de 'defensores de narcos'](#), February 14, 2023.

¹³⁸⁶ IACHR, 188th Period of Sessions, [Ecuador: Freedom of Expression and Lack of Guarantees in Press Coverage](#), November 6, 2023.

¹³⁸⁷ GK, [GK removes one of its reporters from the country due to imminent risk to her life](#), April 3, 2023.

¹³⁸⁸ Twitter account of the Fundación Periodistas Sin Cadenas (@SinCadenasECU), [April 24, 2023](#).

¹³⁸⁹ El Universo, [Journalists Andersson Boscán and Mónica Velásquez, his wife, left Ecuador due to alleged threats](#), July 25, 2023.

¹³⁹⁰ Information reported by the organization Periodistas Sin Cadenas, August 10, 2023.

¹³⁹¹ IACHR, 188th Period of Sessions, [Ecuador: Freedom of Expression and Lack of Guarantees in Press Coverage](#), November 6, 2023.

public notoriety to silence journalists and media outlets. They also highlighted the impact of organized crime on the work of the press and provided figures on acts of violence¹³⁹².

612. Regarding issues related to journalism and its relationship with democracy, the State emphasized that the current administration has been characterized by its defense and promotion of freedom of expression in the country¹³⁹³. Likewise, it pointed out that among public officials there is acceptance and tolerance of the criticisms they receive from the media. The representation of the State also highlighted various protection measures it has adopted to guarantee freedom of the press and expressed its commitment to strengthening it¹³⁹⁴.

613. In addition, the State pointed out that with the latest reform to the Organic Law on Communication, approved by the National Assembly and which entered into force on November 14, 2022, the protection of communication workers takes a real importance and guarantee¹³⁹⁵. In this sense, it informed that on August 23 the General Regulation to the Organic Law of Communication (LOC) was subscribed, through which the Mechanism for the Prevention and Protection of Journalistic Work is constituted, which aims to generate a preventive policy that recommends the adoption of preventive and protection measures that guarantee journalistic work¹³⁹⁶. According to the State, the Regulation was drafted with a gender perspective, so it includes special protection measures for women communication workers, understanding the risks to which they are exposed. To this end, the Council for the Development and Promotion of Information and Communication will design policies, plans, programs and special security measures that include a gender perspective, compile statistical information and incorporate proposals and recommendations from civil society organizations¹³⁹⁷.

614. In addition, the State specified that, within the framework of the aforementioned law, the Communication Council has the function of "evaluating early alerts of aggressions against freedom of expression generated by any monitoring system; and, coordinating and controlling actions concerning the protection of journalists and communication workers"¹³⁹⁸. In this context, since this legal reform, the Communication Council reinforced the collection of information on attacks against journalists, so that in case of an alert it establishes direct contact with the victims and proposes inter-institutional actions with the National Police, the Attorney General's Office, the Ministries of Government and Women and Human Rights, the Ombudsman's Office, the Public Defender's Office, among others. According to the authorities, this has allowed them to have clear statistics on aggressions.

615. Between January and July 2023, the Communication Council registered 157 alerts of aggressions: 35 to the media and 122 to communication workers. The aggressions include physical and verbal aggressions, threats, attacks, censorship, cyber harassment, cyber attack, stigmatization, harassment through the courts, obstruction of journalistic work, rejection of requests for access to information, theft or removal of journalistic material, damage to private property, and kidnapping¹³⁹⁹. The figures compiled also allow

¹³⁹² IACHR, 188th Period of Sessions, [Ecuador: Freedom of Expression and Lack of Guarantees in Press Coverage](#), November 6, 2023.

¹³⁹³ IACHR, 188th Period of Sessions, [Ecuador: Freedom of Expression and Lack of Guarantees in Press Coverage](#), November 6, 2023.

¹³⁹⁴ IACHR, 188th Period of Sessions, [Ecuador: Freedom of Expression and Lack of Guarantees in Press Coverage](#), November 6, 2023.

¹³⁹⁵ Information sent by the State of Ecuador in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 4-2-235/2023, September 25, 2023.

¹³⁹⁶ Information sent by the State of Ecuador in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 4-2-235/2023, September 25, 2023.

¹³⁹⁷ Information sent by the State of Ecuador in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 4-2-235/2023, September 25, 2023.

¹³⁹⁸ Information sent by the State of Ecuador in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 4-2-235/2023, September 25, 2023.

¹³⁹⁹ Information sent by the State of Ecuador in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 4-2-235/2023, September 25, 2023.

identifying that the aggressions or alerts registered against communication workers, in their majority, come from Pichincha (75) and Guayas (52)¹⁴⁰⁰.

616. The State of Ecuador highlighted that the elections that took place in Ecuador legitimized the rule of law, but at the same time, showed violations to journalism and freedom of expression. Data from the alert monitoring of aggressions to communication workers from January 3 to February 7, 2023, time in which the National Electoral Council (CNE) started the electoral campaign until two days after the elections, detail that there were 14 alerts, of which 5 were for cyber harassment and 5 for obstruction of journalistic work. There were also 3 cases for threats and 1 for stigmatization¹⁴⁰¹.

617. As reported by the State, due to inter-institutional articulations, the Communication Council, through the agreement signed with the Attorney General's Office in May 2022, articulates a joint work in relation to cases related to attacks on journalists that are dealt with in the Attorney General's Office and safeguarding the integrity of communication workers who are at risk¹⁴⁰².

618. This Office reiterates that journalism is the primary and principal manifestation of freedom of expression, since it is journalists and the media who keep society informed on matters of public interest and contribute to the existence of a broad, robust and pluralistic public debate¹⁴⁰³. For this reason, States have the obligation to create the conditions for journalists to be able to exercise their function freely, independently and safely¹⁴⁰⁴.

619. It also recalls that according to Principle 9 of the Declaration of Principles on Freedom of Expression of the IACHR, "[t]he murder, kidnapping, intimidation, threats to social communicators, as well as the material destruction of the media, violate the fundamental rights of individuals and severely restrict freedom of expression. It is the duty of States to prevent and investigate these acts, punish the perpetrators and ensure adequate reparation for the victims"¹⁴⁰⁵.

620. Acts of violence against journalists have a triple effect: they violate the right of the victims to express and disseminate their ideas, opinions and information; they have a chilling and silencing effect on their peers; and they violate the rights of individuals and societies in general to seek and receive information and ideas of any kind. The consequences for democracy, which depends on a free, open and dynamic exchange of ideas and information, are particularly serious¹⁴⁰⁶. An independent and critical press is a fundamental element for the validity of the other freedoms that make up the democratic system and the rule of law¹⁴⁰⁷. For this reason, the authorities should strongly condemn violence against journalists and encourage the competent authorities to act with due diligence and speed in clarifying the facts and punishing those responsible¹⁴⁰⁸.

621. Likewise, the Rapporteurship reiterates that those who engage in debates of general interest participate in a public space that they are also called upon to take care of. The Inter-American Court of Human Rights has held that in a democratic society it is not only legitimate, but sometimes a duty, for state authorities

¹⁴⁰⁰ Information sent by the State of Ecuador in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 4-2-235/2023, September 25, 2023.

¹⁴⁰¹ Information sent by the State of Ecuador in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 4-2-235/2023, September 25, 2023.

¹⁴⁰² Information sent by the State of Ecuador in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 4-2-235/2023, September 25, 2023.

¹⁴⁰³ I/A Court H.R., Advisory Opinion OC-5/85, Compulsory Membership in an Association of Journalists (Arts. 13 and 29 American Convention on Human Rights), November 13, 1985, para. 71; IACHR, Background and Interpretation of the Declaration of Principles.

¹⁴⁰⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 8 and para. 165 et seq.

¹⁴⁰⁵ IACHR, Declaration of Principles on Freedom of Expression, 2000.

¹⁴⁰⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, Violence against journalists and media workers: Inter-American standards and national practices on prevention, protection and the pursuit of justice. 2013. OEA/Ser.L/V/II. IACHR/RELE/INF.12/13, para. 287.

¹⁴⁰⁷ IACHR, Report on the Situation of Human Rights in Mexico, OEA/Ser.L/V/II.100, Doc 7 rev.1, September 24, 1998, para. 649.

¹⁴⁰⁸ IACHR, Report No. 7/16, Case 12.213, Aristeu Guida da Silva and family regarding Brazil, April 13, 2016, para. 138.

to pronounce on issues of public interest¹⁴⁰⁹. However, in doing so, they are subject to certain limitations, mainly oriented to verify the facts on which they base their opinions and to address them with even greater diligence than that employed by private individuals, due to their high position, the broad scope and possible effects that their expressions may have on certain sectors of the population¹⁴¹⁰. In this sense, the Inter-American Court has also understood that statements made by high-ranking public officials against journalists and the media can lead to an increase in the risk inherent to their profession¹⁴¹¹.

622. On the other hand, the use of legal mechanisms against journalists has also been observed. Journalist Andersson Boscán, of the digital media *La Posta*, was sued for defamation by a well-known businessman and brother-in-law of the president¹⁴¹². The journalist, through several public reports and social networks, had pointed out the businessman as the alleged leader of a corruption network that operates in public companies of the electricity sector¹⁴¹³. The lawsuit amounts to \$500,000 and was filed before a judge in Guayaquil¹⁴¹⁴. The Free Journalists Network rejected the lawsuit and "the use of justice to censor investigative journalism"¹⁴¹⁵.

623. In March, former presidential candidate Fernando Villavicencio denounced a campaign of intimidation against freedom of expression and journalism in Ecuador, by Xavier Jordán Mendoza, who would have initiated substantial lawsuits against the media Ecuavisa and Diario Extra¹⁴¹⁶. For Villavicencio, the actions of Jordán Mendoza are "systematic and deliberate attacks to silence the voice and crush freedom of expression", which aims to "sow fear and censorship"¹⁴¹⁷.

624. In March, content creator Jorge Guzman, known on X as "El Suero de la Verdad", was sued by a public official in Ecuador for \$300,000 for slander¹⁴¹⁸. The lawsuit was allegedly related to a publication by Guzman in which he had said that the official had been sentenced for violence against a woman and published information about it¹⁴¹⁹.

625. In June, journalist Guillermo Lizaraburo, director of the digital media *Guayaquil News*, denounced that the sentence and reparation issued by Judge Carlos López Vuglarín was motivated by "defects of nullity and worrying omissions".¹⁴²⁰ The accusations against Lizaraburo were alleged slander against Pablo Muentes Alarcón, leader of the Social Christian Party (PSC) and former assemblyman.¹⁴²¹

626. The Inter-American Court of Human Rights has established that expressions, information and opinions concerning matters of public interest -including judicial proceedings involving persons of public

¹⁴⁰⁹ I/A Court H.R., Case of Ríos et al. v. Venezuela. Preliminary Objections, Merits, Reparations and Costs, Judgment of January 28, 2009. Series C No. 194, para. 139; I/A Court H.R., Case of Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations and Costs, Judgment of January 28, 2009, Series C No. 195, para. 151.

¹⁴¹⁰ I/A Court H.R., Case of Ríos et al. v. Venezuela. Preliminary Objections, Merits, Reparations and Costs, Judgment of January 28, 2009. Series C No. 194, para. 139; I/A Court H.R., Case of Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations and Costs, Judgment of January 28, 2009, Series C No. 195, para. 151.

¹⁴¹¹ I/A Court H.R., Case of Ríos et al. v. Venezuela. Preliminary Objections, Merits, Reparations and Costs, Judgment of January 28, 2009. Series C No. 194, para. 143.

¹⁴¹² El Universo, [Danilo Carrera sues Andersson Boscán for half a million dollars](#), 16 January 2023; El Comercio, [Danilo Carrera sues for USD 500,000 for alleged defamation](#), 16 January 2023.

¹⁴¹³ Twitter account of Andersson Boscan (@AnderssonBoscan), [January 16, 2023](#).

¹⁴¹⁴ El Universo, [Danilo Carrera sues Andersson Boscán for half a million dollars](#), 16 January 2023; El Comercio, [Danilo Carrera sues for USD 500,000 for alleged defamation](#), 16 January 2023.

¹⁴¹⁵ Twitter account of the Red de Periodistas Libres (@RPLEC), [January 16, 2023](#); Fundamedios, [Actualización: Familiar del Presidente Guillermo Lasso pidió peritaje judicial al audio publicado por un periodista](#), January 24, 2023.

¹⁴¹⁶ Twitter account of Fernando Villavicencio (@VillaFernando), [March 23, 2023](#); Fundamedios, [Procesado por tráfico de influencias inicia acciones legales contra periodista ecuatoriano](#), March 7, 2023; Twitter account of Xavier Jordan (@XavierJordanM), [April 14, 2023](#).

¹⁴¹⁷ Twitter account of Fernando Villavicencio (@VillaFernando), [March 23, 2023](#).

¹⁴¹⁸ Fundamedios Twitter account (@Fundamedios), [March 28, 2023](#).

¹⁴¹⁹ Fundamedios, [Content creator is denounced by public official in Ecuador](#), March 28, 2023.

¹⁴²⁰ El Universo, [Journalist sentenced to two years in prison claims that the ruling is not well motivated and appealed it](#), June 7, 2023.

¹⁴²¹ El Universo, [Journalist sentenced to two years in prison claims that the ruling is not well motivated and appealed it](#), June 7, 2023.

notoriety- enjoy greater protection under the American Convention¹⁴²² . With respect to these speeches, such as those referring to the conduct of public officials in the exercise of their functions, the punitive response of the State through criminal law is not conventionally appropriate to protect the honor of the official¹⁴²³ .

627. Likewise, the Inter-American Court of Human Rights has pointed out that judicial processes undertaken by State or non-State actors in order to "silence criticism of their actions in the public sphere" constitute a threat to freedom of expression¹⁴²⁴ . According to the Court, this type of process, known as "SLAPP" (strategic lawsuit against public participation), "constitutes an abusive use of judicial mechanisms that must be regulated and controlled by the States, with the objective of allowing the effective exercise of freedom of expression"¹⁴²⁵ .

628. For its part, the Inter-American Commission has pointed out that the prosecution of individuals, including journalists and social communicators, for the mere fact of investigating, writing and publishing information of public interest, violates freedom of expression by discouraging public debate on matters of interest to society and generating an effect of self-censorship¹⁴²⁶ .

629. Another challenge related to journalistic work in Ecuador this year has been the sustainability of the media. In May, journalists from *El Comercio* reported that they had gone four months without pay¹⁴²⁷ . After starting a strike in protest of the lack of salary, 50 employees were dismissed¹⁴²⁸ . A few days later, the newspaper announced that "the printed edition will definitely cease to circulate"¹⁴²⁹ .

630. On the other hand, in order to raise the standards of the press, Fundamedios launched in March a new media certifier called 'Credibilidad'¹⁴³⁰ . The media that decide to participate in the certification will be evaluated by a group of experts on indicators of good corporate governance, editorial and journalistic policies, transparency, rectification policies and ethical commitments, and if they meet the high standards, they will be awarded a seal¹⁴³¹ . This has generated criticisms about the representativeness of journalists and freedom of expression¹⁴³² .

631. This Office emphasizes that it has had the opportunity to dialogue with the Ecuadorian State and to provide technical support on various challenges related to the right to freedom of expression. The Rapporteurship considers that Ecuador is going through an important moment in the public debate on guarantees for the exercise of freedom of expression. It also recognizes that the strength of democratic institutions in Ecuador helps to ensure that disputes surrounding the right to freedom of expression can be resolved in a manner respectful of this right and in accordance with international standards.

B. Freedom of expression, rule of law and democratic institutionalality

¹⁴²² I/A Court H.R., Case of Palamara Iribarne v. Chile, Judgment of November 22, 2005, Series C No. 135, para. 83; I/A Court H.R., Case of Herrera Ulloa v. Costa Rica, Judgment of July 2, 2004, Series C No. 107, para. 125; IACHR, Pleadings before the Inter-American Court in the Case of Herrera Ulloa v. Costa Rica. Transcribed in: I/A Court H.R., Case of Herrera Ulloa v. Costa Rica, Judgment of July 2, 2004, Series C No. 107, para. 101.2.c).

¹⁴²³ I/A Court H.R., Case of Álvarez Ramos v. Venezuela, Preliminary Objection, Merits, Reparations and Costs, Judgment of August 30, 2019, Series C No. 380, para. 121.

¹⁴²⁴ I/A Court H.R., Case of Palacio Urrutia et al. v. Ecuador, Merits, Reparations and Costs, Judgment of November 24, 2021, Series C No. 446, para. 95.

¹⁴²⁵ I/A Court H.R., Case of Palacio Urrutia et al. v. Ecuador, Merits, Reparations and Costs, Judgment of November 24, 2021, Series C No. 446, para. 95.

¹⁴²⁶ IACHR, Pleadings before the Inter-American Court in the case of Palamara Iribarne v. Chile. Transcribed in: I/A Court H.R., Case of Palamara Iribarne v. Chile, Judgment of November 22, 2005, Series C No. 135, para. 64. e).

¹⁴²⁷ Ronald Ladines X account (@ronlave), [May 31, 2023](#).

¹⁴²⁸ Holguer Guerrero X account (@HolguerEC), [June 5, 2023](#).

¹⁴²⁹ El Universo, [Print edition of El Comercio newspaper will cease to circulate permanently](#), June 6, 2023.

¹⁴³⁰ La Hora, [Fundamedios presents the new certifier: Credibilidad](#), March 22, 2023.

¹⁴³¹ La Hora, [Fundamedios presents the new certifier: Credibilidad](#), March 22, 2023.

¹⁴³² Holguer Guerrero X account (@HolguerEC), [March 22, 2023](#).

632. In August, Fernando Villavicencio, journalist and presidential candidate was murdered at the end of an electoral campaign event in Quito, after receiving threats in the previous weeks¹⁴³³. The IACHR condemned the events and warned that they represent an attack against democracy and the rule of law.

633. The increase in political violence in Ecuador is framed in a context of a serious deterioration of citizen security, related to the actions of organized crime¹⁴³⁴. Some local media described Villavicencio's murder as "a hard blow to freedom of expression", given Villavicencio's role as an investigative journalist who denounced acts of corruption¹⁴³⁵.

634. The IACHR rejected the violence and called on the State to investigate, prosecute and punish all the facts with diligence, opening lines of investigation aimed at establishing the motive for the murders, as well as their material and intellectual perpetrators¹⁴³⁶. The State has the duty to adopt effective measures to guarantee the necessary conditions for the exercise of political rights, which includes preventing attacks against the life of a person for his or her political activity, with a differentiated perspective of gender and ethnic-racial origin¹⁴³⁷.

635. On the other hand, according to information received by RELE, some regulations that have been considered this year in Ecuador could have a negative impact on freedom of expression. For example, RELE took note of the approval of the Organic Reformatory Law to several Legal Bodies for the Strengthening of Institutional Capacities and Integral Security, which modifies parts of the Integral Penal Code and other laws focused on public security and intelligence¹⁴³⁸. The organization Derechos Digitales denounced that the law was not adequately discussed with stakeholders and that "there was no exchange with experts or with civil society in general, in what was a quick discussion marked by contingency"¹⁴³⁹.

636. Likewise, in March, the State Prosecutor's Office published a "Practical Guide for prosecutorial action in relation to alleged violations of the right to freedom of expression and the protection of journalists and media workers". The objective of the document is to provide guidance on freedom of expression and protection of journalists. However, it has been criticized by civil society for its content¹⁴⁴⁰. One of the areas of concern is the inclusion of a recommendation that prohibits the disclosure of information related to ongoing investigations, based on Article 180 of the Penal Code, which is punishable by imprisonment of one to three years¹⁴⁴¹. Fundamedios has pointed out that this article has been used to restrict the press, especially when investigating issues of public interest related to the public function¹⁴⁴². They also point out that this article is not in accordance with international standards on freedom of expression¹⁴⁴³. The Attorney General's Office

¹⁴³³ IACHR, [Ecuador: IACHR condemns political violence and warns of attacks on democracy](#), Press Release 180/23, August 11, 2023.

¹⁴³⁴ IACHR, [Ecuador: IACHR condemns political violence and warns of attacks on democracy](#), Press Release 180/23, August 11, 2023.

¹⁴³⁵ El Diario, [También mataron a un periodista](#), August 13, 2023.

¹⁴³⁶ El Diario, [También mataron a un periodista](#), August 13, 2023.

¹⁴³⁷ El Diario, [También mataron a un periodista](#), August 13, 2023.

¹⁴³⁸ Constitutional Court of Ecuador, [Registro Oficial - Supplement No. 279](#), March 29, 2023; Derechos Digitales América Latina, [Ecuador: muchos cambios, poco que celebrar](#), May 12, 2023.

¹⁴³⁹ Derechos Digitales Latin America, [Ecuador: many changes, little to celebrate](#), May 12, 2023.

¹⁴⁴⁰ Alfredo Velazco X account (@alfredovelazco), [March 10, 2023](#); Infobae, [Denuncian que guía elaborada por la Fiscalía de Ecuador para periodistas atenta contra la libertad de expresión](#), March 23, 2023; Fundamedios, [Fiscalía emite una guía en la que se incentiva a utilizar un artículo del COIP que atenta contra la libertad de expresión](#), March 23, 2023.

¹⁴⁴¹ Fundamedios, [Fiscalía emite una guía en la que se incentiva a utilizar un artículo del COIP que atenta contra la libertad de expresión](#), March 23, 2023; Infobae, [Denuncian que guía elaborada por la Fiscalía de Ecuador para periodistas atenta contra la libertad de expresión](#), March 23, 2023.

¹⁴⁴² Fundamedios, [Fiscalía emite una guía en la que se incentiva a utilizar un artículo del COIP que atenta contra la libertad de expresión](#), March 23, 2023; Infobae, [Denuncian que guía elaborada por la Fiscalía de Ecuador para periodistas atenta contra la libertad de expresión](#), March 23, 2023.

¹⁴⁴³ Fundamedios, [Fiscalía emite una guía en la que se incentiva a utilizar un artículo del COIP que atenta contra la libertad de expresión](#), March 23, 2023; Infobae, [Denuncian que guía elaborada por la Fiscalía de Ecuador para periodistas atenta contra la libertad de expresión](#), March 23, 2023.

argued that it does not intend to limit journalism and mentioned the participation of civil society organizations in its revision¹⁴⁴⁴.

637. The State of Ecuador has indicated that the protection of freedom of expression and access to information have been two fundamental pillars for the Presidency of the Republic¹⁴⁴⁵. In addition, it has recognized the importance of guaranteeing freedom of expression in the country. In this regard, it indicated that during 2023 public institutions have carried out various activities and generated different products with which they have promoted freedom of expression and the rights to information and communication of citizens¹⁴⁴⁶.

638. Among other aspects, the State indicated that the timely dissemination of information is one of the fundamental axes for the Government. For this reason, the authorities report on the management and public policy they implement for the benefit of citizens, through informative spaces. Up to September 11, 2023, more than 11,500 interviews of the different officials of the Executive Branch were recorded in the various national and local media¹⁴⁴⁷.

C. Freedom of expression and the Internet

639. The Rapporteurship welcomes the decision of the Criminal Guarantees Court of Pichincha, which in a unanimous verdict issued in January of this year declared innocent the Swedish computer scientist Ola Bini, accused of unauthorized access to a computer system¹⁴⁴⁸. After his release, Ola Bini highlighted the importance of the decision for the country's computer security, according to reports from the civil society organization Observatorio de Derechos y Justicia¹⁴⁴⁹. According to Bini, it was the first ruling by an Ecuadorian court on information security and will be fundamental to protect those working in cybersecurity¹⁴⁵⁰.

640. RELE followed up on this case since April 11, 2019, when Ola Bini was arrested by officers of the Technological Crimes Investigation Unit of the National Police, at the Mariscal Sucre airport in Quito. The arrest occurred a few hours after journalist Julian Assange was evicted from the Ecuadorian embassy in London¹⁴⁵¹. In the framework of a criminal process that lasted almost four years, several digital rights organizations denounced delays and other violations of due process guarantees, and even formed an observation mission to ensure that the right to a fair, independent and impartial trial is respected¹⁴⁵².

641. As in previous years, RELE monitored reports of attacks on news portals. In April, the website of the investigative portal *La Posta* was attacked after the media outlet published a report linking the president's brother-in-law to an Albanian mafia operator¹⁴⁵³. The creators of *La Posta*, who have played an important role in denouncing governmental irregularities of the current administration, denounced that in less than 48 hours their website was attacked twice¹⁴⁵⁴. The same month, the digital media *Informa EC* and

¹⁴⁴⁴ Fundamedios, [Fiscalía emite una guía en la que se incentiva a utilizar un artículo del COIP que atenta contra la libertad de expresión](#), March 23, 2023; Infobae, [Denuncian que guía elaborada por la Fiscalía de Ecuador para periodistas atenta contra la libertad de expresión](#), March 23, 2023.

¹⁴⁴⁵ Information sent by the State of Ecuador in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 4-2-235/2023, September 25, 2023.

¹⁴⁴⁶ Information sent by the State of Ecuador in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 4-2-235/2023, September 25, 2023.

¹⁴⁴⁷ Information sent by the State of Ecuador in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 4-2-235/2023, September 25, 2023.

¹⁴⁴⁸ CNN en Español, [Ola Bini, Assange's computer scientist friend, found not guilty in Ecuador](#), January 31, 2023.

¹⁴⁴⁹ ODJ Ecuador X account (@ODJEcuador). [January 31, 2023](#).

¹⁴⁵⁰ ODJ Ecuador X account (@ODJEcuador). [January 31, 2023](#).

¹⁴⁵¹ CNN en Español, [Ola Bini, friend of Julian Assange, will go on trial for allegedly illegally accessing computer system in Ecuador](#), June 30, 2021; Derechos Digitales, [El caso de Ola Bini en primera persona](#), September 3, 2021.

¹⁴⁵² ALAI, [Ecuador: Ola Bini hearing suspended again](#), Dec. 4, 2020; EFF, [Report of a paradigmatic trial for human rights in the digital age. The Ola Bini case](#), May 2022; EFF, [The repercussions of Ola Bini's unanimous acquittal by an Ecuadorian court](#), March 15, 2023.

¹⁴⁵³ Digital Users X account (@usuariosdigital), [April 10, 2023](#).

¹⁴⁵⁴ Luis Eduardo Vivanco X account (@luisevivanco), [April 10, 2023](#).

Equinoccio Digital denounced that they were victims of cyber-attack while they were making a Twitter Space on the impeachment of President Lasso¹⁴⁵⁵.

642. On the other hand, the State reported on different actions taken to improve connectivity in rural or marginal urban areas, to reduce the digital divide, and to guarantee universal internet service. According to statistics published by the Telecommunications Regulation and Control Agency - ARCOTEL, by March 2023, fixed Internet penetration reached 15.10% per population and 57.39% per household, which corresponds to approximately 2.75 million accounts¹⁴⁵⁶.

¹⁴⁵⁵ Informa Ec X account (@Informa_EC), [April 12, 2023](#).

¹⁴⁵⁶ Information sent by the State of Ecuador in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 4-2-235/2023, September 25, 2023.

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643. RELE continued to observe a hostile climate for the practice of journalism in El Salvador. Within the framework of the emergency regime, there have been reports of aggressions, threats, intimidations and obstructions to the informative work on the part of state officials and institutions, as well as private individuals. This Rapporteurship recognizes as positive the repeal of regulations that criminalized the dissemination of messages related to gangs or criminal groups by the media. As noted in 2022, these regulations have had a chilling effect on public discourse, and particularly on journalists, writers and the media. On the other hand, the Rapporteurship is concerned that limitations to the right of access to public information have been accentuated in the current context of exception.

A. Journalism and democracy

644. In 2023, journalists and civil society organizations continued to denounce a hostile climate for the exercise of journalistic work in El Salvador¹⁴⁵⁷. According to the information reported, since the declaration of the emergency regime, the conditions for the exercise of the profession have worsened, particularly as a result of the approval and entry into force of criminal reforms that seek to repress expressions linked to gangs and that have had a marked inhibiting effect on freedom of information on these issues¹⁴⁵⁸. According to information from civil society, due to this context, at least 10 journalists and one communicator (3 women and 8 men) have left the country as a preventive measure¹⁴⁵⁹.

645. According to an APES report, from the beginning of the emergency regime in March 2022 until July 2023, there have been 222 cases and 385 aggressions against journalists and media outlets, including threats, intimidation, arbitrary detentions, obstacles to journalistic coverage and stigmatizing statements by authorities and government officials against the press¹⁴⁶⁰.

646. In this context, RELE has followed up on the situation of community journalist Víctor Barahona, who was arrested on June 7, 2022 at his home, in the municipality of Apopa, and subsequently charged for the alleged commission of the crime of unlawful associations¹⁴⁶¹. According to information received by RELE, the journalist was deprived of his liberty for 11 months, during which time he was allegedly the victim of mistreatment and cruel, inhuman and degrading treatment¹⁴⁶². According to the journalist's public statements, before his capture, he had interviewed Rodolfo Pereira, a leader of Soyapango vendors, who denounced corruption in the Soyapango mayor's office, live on a television program. After this interview, Pereira was also reportedly captured under the emergency regime¹⁴⁶³. The journalist publicly stated that his arrest could be linked to his journalistic work or community work¹⁴⁶⁴.

647. After his public statements, the journalist was summoned to appear at a special hearing on July 27, 2023, at the request of the Attorney General's Office, allegedly because "the circumstances for which he was granted alternative measures to provisional detention had changed"¹⁴⁶⁵. In addition, the Public

¹⁴⁵⁷ IACHR, Annual Report 2022, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50, March 6, 2023, para. 565 et seq.

¹⁴⁵⁸ Gato Encerrado, [La libertad de prensa está bajo ataque en El Salvador](#), May 3, 2023; El Diario de Hoy, [APES condena aumento de persecución contra periodistas](#), July 24, 2022.

¹⁴⁵⁹ Asociación de Periodistas de El Salvador (APES), [Régimen de excepción y afectación a la libertad de prensa y libertad de expresión en El Salvador](#), June 2023; IACHR, [Hearing No. 6: Detenciones arbitrarias y situación de personas privadas de la libertad en el Estado de excepción en El Salvador](#), 185 Período de Sesiones, October 25, 2022.

¹⁴⁶⁰ YSUCA, [APES registers 222 complaints of aggressions during the emergency regime](#), July 24, 2023.

¹⁴⁶¹ Elsalvador.com, [Víctor Barahona, the first community journalist captured in regime](#), July 10, 2023.

¹⁴⁶² Deutsche Welle (DW), [APES denounces torture of journalist in El Salvador prison](#), July 11, 2023.

¹⁴⁶³ El Faro, [Víctor Barahona: "Los Chacales llegaban a la celda y daban unas tundas horribles"](#), August 15, 2023; Elsalvador.com, ["Ser periodista en este país es delito", dice Víctor Barahona, liberado del régimen](#), July 10, 2023.

¹⁴⁶⁴ El Faro, [Víctor Barahona: "Los Chacales llegaban a la celda y dan unas tundas horribles"](#), August 15, 2023.

¹⁴⁶⁵ Deutsche Welle (DW), [APES: El Salvador Prosecutor's Office requests new arrest of reporter](#), July 27, 2023.

Prosecutor's Office allegedly justified the need to prevent the journalist from "evading justice"¹⁴⁶⁶. According to what RELE was able to learn, during the hearing, the journalist and his lawyer were ordered to maintain total confidentiality of the process.

648. The State of El Salvador has informed the IACHR and its Office of the Special Rapporteur that the legal proceedings against Victor Barahona are not related to his journalistic profession, but to his alleged participation in crimes linked to gangs and gangs¹⁴⁶⁷.

649. On the other hand, in 2023, the Office of the Special Rapporteur received several reports of aggressions, threats and obstructions to journalistic work by security forces and other state officials, as well as by private individuals. For example, in January, officers of the Metropolitan Agents Corps (CAM) allegedly forced journalists from YSUCA radio to erase photographic material related to the facade of the Soyapango mayor's building, as part of a coverage¹⁴⁶⁸. According to the media outlet, the journalists were allegedly interrogated and threatened by the agents, who told them that "they were going to monitor the radio station's networks to verify if they published material"¹⁴⁶⁹. The president of the Association of Journalists of El Salvador (APES) pointed out that this fact represents a clear restriction to the practice of journalism, where intimidation and harassment prevail¹⁴⁷⁰. She also added that since 2022, the National Civil Police (PNC), CAM and the Armed Forces of El Salvador (FAES) have increased their arbitrary acts against the press¹⁴⁷¹.

650. In May, a photojournalist from *El Diario de Hoy* was reportedly detained by agents of the National Civil Police. According to information received, police officers detained him for photographing the facade of the Rosales Hospital in San Salvador. The hospital is a work in progress and the photojournalist wanted to document the progress of the work. The agents allegedly asked him to identify himself as a journalist and threatened to arrest him under the emergency regime for the crime of "resistance"¹⁴⁷².

651. The day after the aforementioned events, journalist Jorge Beltrán, of *El Diario de Hoy*, was reportedly intercepted by 911 agents while he was covering the release of a group of women from the Apanteos prison in Santa Ana¹⁴⁷³. A police officer informed him that he was committing a crime by recording towards the agents and warned him of possible arrest. In addition, he demanded that he erase the recorded material and hand over his identification along with his journalist's credentials. Despite Beltrán's insistence that he was simply doing his journalistic work, another officer intimidatingly approached him to warn him about his possible arrest. The officers then allegedly photographed the journalist's documents before leaving.

652. Also, on June 5, 2023, an employee of the General Directorate of Penal Centers (DGCP) reportedly prevented Yessica Hompanera, a photojournalist for *El Diario de Hoy*, from taking photographs of the remodeling of the Jorge "Mágico" González National Stadium. According to reports, the journalist was asked by prison employees to delete her photographic material, as she could not take pictures of the prisoners working at the site without a permit issued for that purpose¹⁴⁷⁴. According to public information, employees of the DGCP reportedly took photographs of the journalist and the vehicle in which she was traveling¹⁴⁷⁵.

¹⁴⁶⁶ Voice of America, [El Salvador: Denuncian que Fiscalía busca encarcelar nuevamente a periodista Víctor Barahona](#), June 27, 2023; Gato Encerrado, [Juzgado impone silencio a periodista que denunció las torturas en las cárceles del régimen de excepción](#), June 27, 2023.

¹⁴⁶⁷ Information provided by the State of El Salvador, in the framework of a meeting held with the Presidential Commissioner for Human Rights and Freedom of Expression, September 6, 2023.

¹⁴⁶⁸ La Prensa Gráfica, [YSUCA, el segundo medio agredido por cuerpos de seguridad en un mes](#), 14 January 2023; APES X account (@apeselsalvador), [13 January 2023](#).

¹⁴⁶⁹ La Prensa Gráfica, [YSUCA, el segundo medio agredido por cuerpos de seguridad en un mes](#), 14 January 2023; APES X account (@apeselsalvador), [13 January 2023](#).

¹⁴⁷⁰ Angélica Cárcamo X account (@Anxeliq), [January 13, 2023](#).

¹⁴⁷¹ Angélica Cárcamo X account (@Anxeliq), [January 13, 2023](#).

¹⁴⁷² El Diario de Hoy, [Policemen hold El Diario de Hoy photojournalist outside Rosales Hospital](#), May 24, 2023.

¹⁴⁷³ El Diario de Hoy, [PNC agents obstruct the work of a journalist from El Diario de Hoy](#), May 25, 2023.

¹⁴⁷⁴ X account of the Association of Journalists of El Salvador (@apeselsalvador), [June 5, 2023](#).

¹⁴⁷⁵ X account of the Association of Journalists of El Salvador (@apeselsalvador), [June 5, 2023](#).

653. On February 7, 2023, *Radio YSUCA* received intimidations through an anonymous call from unknown subjects, who threatened to attack the station's facilities¹⁴⁷⁶. The radio claimed to have previously received threats and intimidating messages, in particular through a defamation campaign through false accounts on social networks¹⁴⁷⁷.

654. The Rapporteurship has also learned of alleged intimidation and threats of prosecution against journalists who investigate criminal matters, by virtue of the legislative reforms approved on April 5, 2022 in the framework of the state of emergency. In June 2023, during a television interview, the director of the National Civil Police reportedly warned that journalists "are going to have to answer for those actions in which they defended crime", referring to the coverage of the negotiations between the Government of El Salvador and the gangs in 2012¹⁴⁷⁸. Salvadoran journalists denounced that the message of the official denotes persecution against them, with the clear intention of violating the right to freedom of expression as well as criminalizing the practice of journalism¹⁴⁷⁹.

655. In August 2023, the president disclosed in his X account that journalists Bryan Avelar, Héctor Silva Ávalos and Sergio Arauz had allegedly received classified documents from former security advisor Alejandro Muysont¹⁴⁸⁰. The Association of Journalists of El Salvador (APES) denounced this statement as a tacit threat to freedom of the press, and warned that such a statement would have the potential to criminalize officials and employees on suspicion of having spoken with journalists¹⁴⁸¹.

656. Added to this are reports of stigmatizing statements by public officials against the press, independent media, activists, human rights defenders, among others. In January, the president accused the media, experts and financial analysts of "blatantly lying" to the population, referring to economic issues¹⁴⁸². In May, the president pointed out in his social networks that in Latin America there are media and journalists "paid" by financier George Soros and that these professionals "are not journalists, they are political activists with a defined and perverse global agenda"¹⁴⁸³. These statements occurred at a time when the Legislative Assembly was in the process of approving a statement in commemoration of World Press Freedom Day, which is celebrated on May 3¹⁴⁸⁴. A few days later, the president discredited the work of the media and human rights organizations, calling their work "pitiful reporting" and "failed recipes", and journalists "prepaid journalists". He also pointed out that the "international community ...never cared about our people"¹⁴⁸⁵.

657. Finally, the Rapporteurship notes that the emergency regime has exacerbated the challenges for community radio stations. There have been reports of harassment by government officials against community radio stations, as well as a climate of self-censorship in community media in general¹⁴⁸⁶. In El Salvador, community media have been fundamental in the dissemination of information, particularly during the internal armed conflict. Since then, they have emerged as alternative voices and continued to play a crucial role in the public debate, especially in promoting local communication autonomy and in making visible important social struggles, such as the defense of territories and natural resources¹⁴⁸⁷.

¹⁴⁷⁶ Deutsche Welle (DW), [El Salvador: FIP exige investigar amenaza a la radio YSUCA](#), February 11, 2023; La Prensa Gráfica, [APES denuncia amenaza de "actos atentatorios" contra instalaciones de radio YSUCA](#), February 9, 2023.

¹⁴⁷⁷ Civicus, [EL SALVADOR: FIVE ENVIRONMENTAL DEFENDERS ARRESTED ON TRUMPED-UP CHARGES](#), March 23, 2023.

¹⁴⁷⁸ El País, [El Salvador police director threatens to jail journalists who covered government-gang truce](#), June 6, 2023; Elsalvador.com, [Director de PNC asegura que políticos y periodistas serán procesados por la tragua de 2012](#), June 6, 2023.

¹⁴⁷⁹ La Prensa Gráfica, ["Advierten procesos penales a periodistas a propósito de tregua"](#), June 7, 2023.

¹⁴⁸⁰ Nayib Bukele X account (@nayibbukele), [August 9, 2023](#).

¹⁴⁸¹ Association of Journalists of El Salvador X account (@apesalsalvador), [August 10, 2023](#).

¹⁴⁸² Nayib Bukele's X account (@nayibbukele), [24 January 2023](#); Swissinfo, [Bukele says media and analysts "blatantly lie."](#) 24 January 2023.

¹⁴⁸³ Deutsche Welle (DW), [Bukele: in Latin America there are journalists "paid by Soros"](#), May 3.

¹⁴⁸⁴ Deutsche Welle (DW), [Bukele: in Latin America there are journalists "paid by Soros"](#), May 3.

¹⁴⁸⁵ Nayib Bukele X account (@nayibbukele), [May 16, 2023](#).

¹⁴⁸⁶ Gato Encerrado, [Periodistas de radios comunitarias decidieron autocensurarse para evitar represalias en el régimen de Bukele](#), April 28, 2023; Resumen Latinoamericano, [El Salvador. El papel de las emisoras comunitarias en la defensa del territorio](#), August 10, 2022.

¹⁴⁸⁷ Avispa, [Community radio stations in El Salvador survive on a single frequency](#), May 9, 2022.

658. For its part, the State indicated that in El Salvador there have been no cases of censorship of journalistic material; of control or closure of media outlets; of attacks on community radio and media; or of journalists being imprisoned for reporting on matters of national or public interest, nor is there any media concentration, since there is full respect for freedom of expression and economic freedom, particularly in its manifestation of freedom of enterprise¹⁴⁸⁸.

659. Likewise, the State assured that El Salvador respects the right of journalists to exercise their informative work and the right of citizens to receive true, truthful and reliable information. In addition, work continues to guarantee effective protection for journalists, as well as human rights defenders, which responds to the State's obligation to protect human rights and prevent the risks they face in the exercise of their work, in order to ensure a favorable and safe environment, before acts that may constitute an attack on the free exercise of freedom of expression¹⁴⁸⁹.

660. This Office reiterates that journalism is the primary and principal manifestation of freedom of expression, since it is journalists and the media who keep society informed on matters of public interest and contribute to the existence of a broad, robust and pluralistic public debate¹⁴⁹⁰. For this reason, States have the obligation to create the conditions for journalists to be able to exercise their function freely, independently and safely¹⁴⁹¹.

661. It also recalls that according to Principle 9 of the Declaration of Principles on Freedom of Expression of the IACHR, "[t]he murder, kidnapping, intimidation, threats to social communicators, as well as the material destruction of the media, violate the fundamental rights of individuals and severely restrict freedom of expression. It is the duty of States to prevent and investigate these acts, punish the perpetrators and ensure adequate reparation for the victims"¹⁴⁹².

662. Acts of violence against journalists have a triple effect: they violate the right of the victims to express and disseminate their ideas, opinions and information; they have a chilling and silencing effect on their peers; and they violate the rights of individuals and societies in general to seek and receive information and ideas of any kind. The consequences for democracy, which depends on a free, open and dynamic exchange of ideas and information, are particularly serious¹⁴⁹³. An independent and critical press is a fundamental element for the validity of the other freedoms that make up the democratic system and the rule of law¹⁴⁹⁴. For this reason, the authorities should strongly condemn violence against journalists and encourage the competent authorities to act with due diligence and speed in clarifying the facts and punishing those responsible¹⁴⁹⁵.

663. Likewise, the Rapporteurship emphasizes that political leaders and persons exercising public functions play an important role in the public debate and, consequently, are called upon to respect human rights through their discourse¹⁴⁹⁶. As the Inter-American Court has pointed out, public officials "have a position of

¹⁴⁸⁸ Information sent by the State of El Salvador in response to the request for information from RELE in the framework of the preparation of the Annual Report, MP-OAS-149/2023, September 5, 2023.

¹⁴⁸⁹ Information sent by the State of El Salvador in response to the request for information from RELE in the framework of the preparation of the Annual Report, MP-OAS-149/2023, September 5, 2023.

¹⁴⁹⁰ I/A Court H.R., Advisory Opinion OC-5/85, Compulsory Membership in an Association of Journalists (Arts. 13 and 29 American Convention on Human Rights), November 13, 1985, para. 71; IACHR, Background and Interpretation of the Declaration of Principles.

¹⁴⁹¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 8 and para. 165 et seq.

¹⁴⁹² IACHR, Declaration of Principles on Freedom of Expression, 2000.

¹⁴⁹³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Violence against journalists and media workers: Inter-American standards and national practices on prevention, protection and the pursuit of justice. 2013. OEA/Ser.L/V/II. IACHR/RELE/INF.12/13, para. 287.

¹⁴⁹⁴ IACHR, Report on the Situation of Human Rights in Mexico, OEA/Ser.L/V/II.100, Doc 7 rev.1, September 24, 1998, para. 649.

¹⁴⁹⁵ IACHR, Report No. 7/16, Case 12.213, Aristeu Guida da Silva and family regarding Brazil, April 13, 2016, para. 138.

¹⁴⁹⁶ United Nations (UN) Special Rapporteur on the Protection and Promotion of Freedom of Opinion and Expression, Organization for Security and Cooperation in Europe (OSCE) Representative on Freedom of the Media, Organization of American States (OAS) Special Rapporteur for Freedom of Expression and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information, Joint Declaration on Political Leaders, Persons Exercising Public Functions, and Freedom of Expression, October 20, 2021.

guarantor of the fundamental rights of individuals and, therefore, their statements cannot disregard these or constitute forms of direct or indirect interference or harmful pressure on the rights of those who seek to contribute to public deliberation through the expression and dissemination of their thoughts"¹⁴⁹⁷.

664. The Court has also held that in a democratic society it is not only legitimate, but sometimes a duty, for state authorities to express their opinion on matters of public interest¹⁴⁹⁸. However, in doing so, they are subject to certain limitations, oriented mainly to verify the facts on which they base their opinions and to address them with even greater diligence than that employed by private individuals, due to their high position, the broad scope and possible effects that their expressions may have on certain sectors of the population¹⁴⁹⁹. In this sense, the Inter-American Court has also understood that statements made by high-ranking public officials against journalists and the media can lead to an increase in the risk inherent to their profession¹⁵⁰⁰.

B. Freedom of expression, rule of law and democratic institutions

665. At the close of this report, on November 1, the Legislative Assembly of El Salvador repealed the two norms that criminalized the dissemination of messages related to gangs or criminal groups by the media, and on which this Office pronounced itself in 2022¹⁵⁰¹. According to official information, the repeal of these provisions was justified by the effectiveness of the Government's security strategies, such as the implementation of the Territorial Control Plan and the exception regime, implemented since March 2022 to combat gang violence¹⁵⁰². The Nuevas Ideas party argued that the legislation responded to a reality of extreme violence that put the life and integrity of the citizens at risk, but, having fulfilled the objective for which the norms were decreed, "it becomes necessary to reform again the referred paragraphs, with the purpose of guaranteeing the full exercise of the fundamental rights of all Salvadoran citizens"¹⁵⁰³.

666. The IACHR and its Office of the Special Rapporteur join the message of the Office of the United Nations High Commissioner for Human Rights (OHCHR), and recognize the importance of the decision adopted by the Legislative Assembly to repeal the second paragraph of Article 345-C of the Penal Code, as well as Article 1, paragraph three of the Law for the Prohibition of Gangs and Gangs¹⁵⁰⁴. These norms have had a chilling effect on public discourse, and particularly on journalists, writers and the media¹⁵⁰⁵. As noted by the OHCHR, this decision should be complemented with other measures that contribute to strengthening civic space, and provide the necessary conditions for the work of human rights defenders and journalists in a safe and conducive environment¹⁵⁰⁷.

667. On the other hand, the Rapporteurship observes that limitations to the right of access to public information persist in El Salvador, and that they are particularly worrisome in the framework of the exception

¹⁴⁹⁷ I/A Court H.R., *Case of Ríos et al. v. Venezuela, Preliminary Objections, Merits, Reparations and Costs*, Judgment of January 28, 2009. Para. 139.

¹⁴⁹⁸ I/A Court H.R., *Case of Ríos et al. v. Venezuela. Preliminary Objections, Merits, Reparations and Costs*, Judgment of January 28, 2009. Series C No. 194, para. 139; I/A Court H.R., *Case of Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations and Costs*, Judgment of January 28, 2009, Series C No. 195, para. 151.

¹⁴⁹⁹ I/A Court H.R., *Case of Ríos et al. v. Venezuela. Preliminary Objections, Merits, Reparations and Costs*, Judgment of January 28, 2009. Series C No. 194, para. 139; I/A Court H.R., *Case of Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations and Costs*, Judgment of January 28, 2009, Series C No. 195, para. 151.

¹⁵⁰⁰ I/A Court H.R., *Case of Ríos et al. v. Venezuela. Preliminary Objections, Merits, Reparations and Costs*, Judgment of January 28, 2009. Series C No. 194, para. 143.

¹⁵⁰¹ X account of the Legislative Assembly (@AsambleaLegislativaSV), [November 1](#) and [November 1](#); IACHR, Office of the Special Rapporteur for Freedom of Expression, Press Release No. R80/22, [La Relatoría Especial alerta sobre riesgos de criminalización a ejercicios legítimos de la libertad de expresión en El Salvador a partir de reformas legislativas](#), April 13, 2023.

¹⁵⁰² Asamblea Legislativa de El Salvador, [Diputados despenalizan difusión de mensajes generados por pandillas](#), November 2.

¹⁵⁰³ AP News, [El Salvador: Congreso deroga polémica reforma sobre mensaje de pandillas en medios de comunicación](#), November 2, 2023; La Prensa Gráfica, [Asamblea aprueba despenalizar la difusión de mensajes generados por las pandillas a través de medios de comunicación](#), November 2, 2023.

¹⁵⁰⁴ Office of the United Nations High Commissioner for Human Rights (OHCHR), [Press Release - El Salvador](#), November 3, 2023.

¹⁵⁰⁵ Office of the United Nations High Commissioner for Human Rights (OHCHR), [Press Release - El Salvador](#), November 3, 2023.

¹⁵⁰⁶ IACHR, Annual Report 2022, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50, March 6, 2023, para. 595 et seq.

¹⁵⁰⁷ Office of the United Nations High Commissioner for Human Rights (OHCHR), [Press Release - El Salvador](#), November 3, 2023.

regime in El Salvador. According to the information received, the limitations are mainly related to the absence of available, periodic and disaggregated information; the denial of access to requests for information on the measures adopted; the absence of transparency in the decisions issued by the Institute for Access to Public Information (IAIP), as well as obstacles to journalistic coverage¹⁵⁰⁸. It should be noted, however, that concerns about the situation of the right of access to public information precede the emergency regime. International organizations have called attention to the progressive and steady deterioration of transparency and accountability mechanisms since the inauguration of the current Government in June 2019¹⁵⁰⁹.

668. Civil society organizations reported that in response to various requests for information on citizen security issues made in 2022 and 2023, the General Directorate of Penitentiary Centers responded that it could not provide it because it is under reserve¹⁵¹⁰. In this way, information regarding the total number of people incarcerated in prisons, LGTBI Q+ persons deprived of liberty, deaths in prisons, serious offenses or crimes committed by guards, budget, among others, was denied¹⁵¹¹.

669. Likewise, the Ministry of Justice and Public Security has reportedly reserved information related to the Territorial Control Plan, advertising services, all procurement and contracting processes for goods and services, and arms loans between the police and the Armed Forces¹⁵¹². The Special Rapporteurship is also particularly concerned about the lack of access to information on the construction of the Terrorism Confinement Center (CECOT) - the mega-prison inaugurated by the president in January 2023, presented by the authorities as "the largest prison in all of the Americas". According to the information received, the information on the bidding and assignment processes of the works, as well as the construction and operation costs, was declared under reserve by the Government¹⁵¹³. This construction would have been done through direct contracting based on the new Public Procurement Law, which came into force in March 2023¹⁵¹⁴.

670. Additionally, according to public information, the General Directorate of Penal Centers (DGCP) has reserved for a period of seven years the statistical information related to foreigners detained in El Salvador from January 1, 2022 to June 27, 2023¹⁵¹⁵. The DGCP relied on Article 19 of the Law on Access to Public Information to justify its refusal, arguing that the disclosure of such information could compromise security¹⁵¹⁶. This decision followed a request from the media outlet *La Prensa Gráfica*, which asked for details on the number, origin, gender and legal situation of these detainees.¹⁵¹⁷

671. In this context, in January 2023, the Legislative Assembly approved a Public Procurement Law, which replaced the Public Administration Procurement and Contracting Law (LACAP). According to official information, the new regulation would aim to "reduce bureaucracy in the procurement and acquisition processes made by the State", in addition to "restructuring and establishing new provisions to the administrative contracting regime, as well as implementing the use of information and communication

¹⁵⁰⁸ Information submitted by Servicio Social Pasionista (SSPAS), Acceso a la información pública 2022. Archive of the Office of the Special Rapporteur for Freedom of Expression, undated; Elsalvador.com, [Instituto de Acceso a la Información está "muerto". afirman expertos en transparencia](#), May 23, 2022; Acción Ciudadana, [Hay un contexto desafiante para la transparencia y la lucha contra la corrupción en El Salvador](#), December 5, 2022; Acción Ciudadana, [El IAIP a favor de los ciudadanos? Update 2022](#), August 2022; La Prensa Gráfica, [2022 fue año de desafíos para transparencia y lucha contra la corrupción](#), December 6, 2022.

¹⁵⁰⁹ Human Rights Watch, ["We can detain anyone we want."](#) December 7, 2022.

¹⁵¹⁰ Information sent by the Passionist Social Service (SSPAS) on access to public information 2022, Archivo de la Relatoría Especial para la Libertad de Expresión, August 15, 2023.

¹⁵¹¹ Information sent by the Passionist Social Service (SSPAS) on access to public information 2022, Archivo de la Relatoría Especial para la Libertad de Expresión, August 15, 2023.

¹⁵¹² La Prensa Gráfica, [Oculto por siete años: Incrementa reserva de información relacionada a Seguridad Pública](#), October 5, 2022.

¹⁵¹³ BBC News, [El secretismo que rodea al Cecot, la megacárcel símbolo de la guerra de Bukele contra las pandillas](#), July 4, 2023.

¹⁵¹⁴ El Diario de Hoy, [Government hides the cost and construction contracts of the Tecolouca mega-penal](#), February 7, 2023.

¹⁵¹⁵ La Prensa Gráfica, [En reserva por siete años la información de los extranjeros detenidos en El Salvador](#), September 18, 2023.

¹⁵¹⁶ La Prensa Gráfica, [En reserva por siete años la información de los extranjeros detenidos en El Salvador](#), September 18, 2023.

¹⁵¹⁷ La Prensa Gráfica, [En reserva por siete años la información de los extranjeros detenidos en El Salvador](#), September 18, 2023.

technologies to make the operational management of government procurement viable, as well as tools to establish control and auditing measures"¹⁵¹⁸.

672. According to reports received by civil society organizations, it constitutes a legislative setback in terms of access to information and transparency, as it limits accountability on the use of public funds by the Government¹⁵¹⁹. Thus, for example, the new law establishes that "strategic projects of public utility to be carried out by the institutions"¹⁵²⁰ are excluded from the application of this law and, therefore, from the application of the principle of transparency.

673. The Office of the Special Rapporteur also received information on alleged harm to the families of detainees as a result of the lack of information on substantive issues directly related to the exception regime¹⁵²¹. Thus, for example, it was reported that in the absence of a centralized and efficient system of information on detainees, several families had to move between different prison offices to find out the exact whereabouts of their detained relatives¹⁵²². In addition, with the first deaths of persons in custody and the denunciation of their relatives, it is alleged that it is likely that the determination of the causes of death of these persons is under-recorded¹⁵²³.

674. In this framework, RELE takes note of the decision of the Open Government Partnership (OGP) to exclude El Salvador from the network, after placing it on inactive status the previous year for failing to submit an open government action plan during 2021 and 2022, and failing to comply with OGP requirements for three years in a row since 2020. OGP is a global alliance of 75 countries and 106 local governments working with thousands of civil society organizations to advocate for more transparent governments¹⁵²⁴.

675. According to available information, despite being given until March 25, 2023 to submit a new plan in accordance with the Alliance's standards, there was no response from the government, resulting in his departure. OGP considered that this situation "is a symptom of the deterioration of democratic conditions in the country, from the erosion of checks and balances to the limitations of basic civil liberties. We call on the Salvadoran government to guarantee and expand freedoms to allow journalists, activists and the political opposition to work to open up the government"¹⁵²⁵. It is worth noting that since joining in 2011, El Salvador had collaborated on five action plans and nearly 100 reforms in conjunction with OGP. The decision was formally communicated to the Salvadoran government¹⁵²⁶.

676. For its part, the State reported that since its creation, the Institute for Access to Public Information (IAIP) has focused its institutional work on promoting transparency in public administration through the dissemination of information generated by the obligated entities; the promotion of accountability of public institutions and agencies; and the promotion of citizen participation in the control of government administration and citizen oversight of the exercise of public functions. According to the State, the IAIP, in

¹⁵¹⁸ Legislative Assembly of El Salvador, [Plenary approves Public Procurement Law to make government procurement transparent and eliminate bureaucracy](#), January 26, 2023.

¹⁵¹⁹ Information submitted by FUSADES, "El Salvador y sus limitantes al derecho de libertad de expresión", March 27, 2023.

¹⁵²⁰ Legislative Assembly, [Public Procurement Law](#), Legislative Decree No. 652.

¹⁵²¹ Azul Originario Asociación, Amate, Cristosal, Fundación de Estudios para la Aplicación del Derecho, Idhuca, Red Salvadoreña de Defensoras de Derechos Humanos, Servicio Social Pasionista, [Informe anual sobre violaciones a derechos humanos durante el estado de excepción en El Salvador](#), March 2023.

¹⁵²² Azul Originario Asociación, Amate, Cristosal, Fundación de Estudios para la Aplicación del Derecho, Idhuca, Red Salvadoreña de Defensoras de Derechos Humanos, Servicio Social Pasionista, [Informe anual sobre violaciones a derechos humanos durante el estado de excepción en El Salvador](#), March 2023.

¹⁵²³ Azul Originario Asociación, Amate, Cristosal, Fundación de Estudios para la Aplicación del Derecho, Idhuca, Red Salvadoreña de Defensoras de Derechos Humanos, Servicio Social Pasionista, [Informe anual sobre violaciones a derechos humanos durante el estado de excepción en El Salvador](#), March 2023.

¹⁵²⁴ Open Government Partnership, [El Salvador exits international alliance on open government](#), March 28, 2023; Swissinfo, [El Salvador exits initiative promoting transparency and participation](#), March 28, 2023.

¹⁵²⁵ Open Government Partnership, [El Salvador exits international alliance on open government](#), March 28, 2023; Swissinfo, [El Salvador exits initiative promoting transparency and participation](#), March 28, 2023.

¹⁵²⁶ Open Government Partnership, [El Salvador exits international alliance on open government](#), March 28, 2023; Swissinfo, [El Salvador exits initiative promoting transparency and participation](#), March 28, 2023.

compliance with its attributions, has created mechanisms to guarantee transparency, citizen participation and accountability¹⁵²⁷.

677. The State also reported that in order to strengthen citizen participation, the IAIP has transparency portals, where information of public interest is published, such as budgets, financial reports, public contracting and other relevant data; as well as training and awareness programs, aimed at both government officials and civil society to promote the importance of transparency and access to public information¹⁵²⁸.

678. He also indicated that several actions have been carried out with the main purpose of promoting coordination among state institutions in order to increase the response capacity and to ensure that the delivery of information is simple and prompt, so that people have the right to be informed¹⁵²⁹.

679. The Office of the Special Rapporteur recalls that Article 13 of the American Convention protects the right of citizens to "seek" and "receive" information, and implies the positive obligation of the State to provide information in its possession¹⁵³⁰. Principle 4 of the IACHR Declaration of Principles on Freedom of Expression states that "[a]ccess to information held by the State is a fundamental right of individuals. States are obliged to guarantee the exercise of this right. This principle admits only exceptional limitations that must be previously established by law in the case of a real and imminent danger that threatens national security in democratic societies"¹⁵³¹.

680. The right of access to information is a necessary condition to guarantee the exercise of other rights, a fundamental requirement to ensure transparency in government management, and a fundamental tool for citizen control of the functioning of the State and accountability¹⁵³².

681. This right imposes on the State the obligation to proactively disclose information on its functions, activities and management of public resources on a routine basis, even in the absence of a request for access to public information, ensuring that the information is accessible, comprehensible and updated¹⁵³³. In states of emergency, this implies that States provide truthful, reliable and disaggregated information on all aspects of public interest related to the emergency regime¹⁵³⁴.

682. In view of the information submitted by civil society organizations, this Office considers it essential that the State take all measures within its reach to fully and effectively guarantee the right of access to information of citizens in the context of the emergency regime. It is transcendental that the authorities and obligated subjects give priority to requests for access to information related to situations of the emergency

¹⁵²⁷ Information sent by the State of El Salvador in response to the request for information from RELE in the framework of the preparation of the Annual Report, MP-OAS-149/2023, September 5, 2023.

¹⁵²⁸ Information sent by the State of El Salvador in response to the request for information from RELE in the framework of the preparation of the Annual Report, MP-OAS-149/2023, September 5, 2023.

¹⁵²⁹ Information sent by the State of El Salvador in response to the request for information from RELE in the framework of the preparation of the Annual Report, MP-OAS-149/2023, September 5, 2023.

¹⁵³⁰ I/A Court H.R., Case of Claude Reyes et al. Judgment of September 19, 2006, Series C No. 151, para. 58 (a) and (b); I/A Court H.R., Case of Claude Reyes et al, Merits, Reparations and Costs, Judgment of September 19, 2006, Series C No. 151, paras. 76 and 78; I/A Court H.R., Case of López Álvarez v. Honduras, Merits, Reparations and Costs, Judgment of February 1, 2006, Series C No. 141, para. 77; I/A Court H.R., Case of Herrera Ulloa v. Costa Rica, Objections of February 1, 2006, para. 141, para. 77. Judgment of February 1, 2006, Series C No. 141, para. 77; I/A Court H.R., Case of Herrera Ulloa v. Costa Rica, Preliminary Objections, Merits, Reparations and Costs, Judgment of July 2, 2004, Series C No. 107, para. 108.

¹⁵³¹ IACHR, [Declaration of Principles on Freedom of Expression](#), 2000.

¹⁵³² IACHR, Office of the Special Rapporteur for Freedom of Expression, El derecho de acceso a la información en el marco jurídico interamericano, OEA/Ser.L/V/II CIDH/RELE/INF. 1/09, December 30, 2009.

¹⁵³³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Right to Information and National Security, OEA/Ser.L/V/II CIDH/RELE/INF.24/20, July 2020, para. 150.

¹⁵³⁴ IACHR, [Pandemic and Human Rights](#), OEA/Ser.L/V/II. Doc. 396, September 9, 2022, paras. 80 and 86.

context, including the allocation of public funds, public procurement, and the impact of emergency measures on the exercise of fundamental rights and freedoms¹⁵³⁵.

C. Freedom of expression and the Internet

683. In 2023, freedom of expression continued to face significant challenges in the digital environment, especially due to threats and intimidation against journalists and human rights defenders through social networks, and concerns about disinformation in the electoral context¹⁵³⁶.

684. As the Rapporteurship noted in its last annual report, there are allegations about the existence of networks of coordinated inauthentic behavior (also known as "troll farms") and strategies of manipulation of public debate in El Salvador through social networks, allegedly linked to the presidential office¹⁵³⁷. According to public information, the Salvadoran government would make use of social networks to harass and discredit people who investigate or question the government's management¹⁵³⁸. These tactics include the creation of false accounts and the dissemination of misleading information to manipulate public opinion and attack the independent press and critical voices¹⁵³⁹.

685. The Rapporteurship observes that this situation has contributed to a climate of intimidation and self-censorship in the digital environment, affecting citizens' right to freedom of expression. This hostile environment inhibits open and pluralistic public debate, essential for a robust democracy¹⁵⁴⁰.

686. On the other hand, there is concern on the part of the media and civil society organizations about disinformation on the internet, which according to the information received has intensified in the run-up to the 2024 general elections. Social networks have become platforms for the dissemination of false or misleading information, which affects the ability of citizens to make informed decisions.

687. In this context, the Rapporteurship learned about the creation of the project "El Filtro", by the digital media *Disruptiva*, *Factum*, *Focos* and *Voz Pública*, in coordination with *Infodemia*, which seeks to counter disinformation in El Salvador and promote collaborative journalism¹⁵⁴¹. "El Filtro" is presented as the first collaboration of digital media to counteract disinformation in the country through journalistic investigations that expose who is behind it and its impact on citizens¹⁵⁴². In addition, it aims to strengthen collaborative

¹⁵³⁵ IACHR, [IACHR Calls to Combat Corruption and Guarantee Human Rights through Transparency and Accountability in Public Management in Context of COVID-19 Pandemic](#), Press Release No. 223/20, September 16, 2020.

¹⁵³⁶ Mesoamerican Initiative of Women Human Rights Defenders. "Mesa por el Derecho a Defender Derechos presenta Informe de agresiones contra personas defensoras y periodistas: análisis de casos 2022 en El Salvador". September 7, 2002.

¹⁵³⁷ Reuters, [Trolls, propaganda and fear stoke Bukele's media machine in El Salvador](#), November 9, 2022; The New Yorker, [The Rise of Nayib Bukele, El Salvador's Authoritarian President](#), September 5, 2022; Washington Office on Latin America (WOLA), [Press Freedom Under Siege in Central America](#), August 24, 2022; International Crisis Group, [All the President's Trolls: Real and Fake Twitter Fights in El Salvador](#), July 13, 2020.

¹⁵³⁸ AP News, [As free press withers in El Salvador, pro-government social media influencers grow in power](#), August 13, 2023; Voice of America, [Hostile Attacks, Surveillance a Threat to El Salvador's Media](#), February 15, 2023; Inter American Press Association (IAPA), [El Salvador Report to the 2023 Mid-Year Meeting](#), April 2023; Human Rights Watch, [El Salvador 2023 Report](#), January 11, 2023; APES, [Régimen de excepción y afectación a la libertad de prensa y libertad de expresión en El Salvador](#), June 2023.

¹⁵³⁹ AP News, [As free press withers in El Salvador, pro-government social media influencers grow in power](#), August 13, 2023; Voice of America, [Hostile Attacks, Surveillance a Threat to El Salvador's Media](#), February 15, 2023; Inter American Press Association (IAPA), [El Salvador Report to the 2023 Mid-Year Meeting](#), April 2023; Human Rights Watch, [El Salvador 2023 Report](#), January 11, 2023; APES, [Régimen de excepción y afectación a la libertad de prensa y libertad de expresión en El Salvador](#), June 2023.

¹⁵⁴⁰ AP News, [As free press withers in El Salvador, pro-government social media influencers grow in power](#), August 13, 2023; Voice of America, [Hostile Attacks, Surveillance a Threat to El Salvador's Media](#), February 15, 2023; Inter American Press Association (IAPA), [El Salvador Report to the 2023 Mid-Year Meeting](#), April 2023; Human Rights Watch, [El Salvador 2023 Report](#), January 11, 2023; APES, [Régimen de excepción y afectación a la libertad de prensa y libertad de expresión en El Salvador](#), June 2023.

¹⁵⁴¹ Ijnet - International Journalists Network, [El Filtro, la nueva alianza de medios que investiga cómo se origina la desinformación en El Salvador](#), May 10, 2023; La Prensa Gráfica, [Medios digitales crean proyecto para contrarrestar la desinformación en El Salvador](#), April 12, 2023; Revista Factum X account (@RevistaFactum), [April 12, 2023](#).

¹⁵⁴² Ijnet - International Journalists Network, [El Filtro, la nueva alianza de medios que investiga cómo se origina la desinformación en El Salvador](#), May 10, 2023; La Prensa Gráfica, [Medios digitales crean proyecto para contrarrestar la desinformación en El Salvador](#), April 12, 2023; Revista Factum X account (@RevistaFactum), [April 12, 2023](#).

journalism and investigate sources of disinformation and manipulation of content¹⁵⁴³. This effort is framed within the electoral period that begins in El Salvador, where disinformation could influence public perception on critical issues, including the legality and implications of presidential reelection¹⁵⁴⁴.

688. For its part, the State affirmed that the government has made significant progress in literacy and that there are efforts to reduce the digital development gap, access to the Internet and technology. In this regard, it pointed out that the Digital Agenda is based on four areas of work: i) digital identity, ii) innovation, education and competitiveness, iii) modernization of the State and iv) digital governance¹⁵⁴⁵.

689. According to Salvadoran authorities, in the digital identity axis, activities are planned for the management of personal data, the secure exchange of information and the integration of digital services using a single national identity. In the axis of innovation, education and competitiveness, it is planned to create a multisectoral integration system to promote education in technology, competitiveness and access to broadband services; mechanisms to promote entrepreneurship through an innovation ecosystem, and the promotion of trade supported by ICTs. The axis of modernization of the State involves the creation of coordination structures that enable the integration and modernization of State services, guarantee citizen participation and transparency, strengthen administrative records, and safeguard and access to personal data. According to the State, this will mark the beginning of the technological interaction of the State with the different actors of society that access public services. Finally, the digital governance axis will involve generating a favorable legal framework to facilitate the construction of an inclusive information and knowledge society that protects rights and guarantees privacy and security on the Internet¹⁵⁴⁶.

690. In light of the foregoing considerations, the Rapporteurship recalls that it is the duty of the State to protect and guarantee the full exercise of the right to freedom of expression on the Internet¹⁵⁴⁷. This implies taking all measures within its power to create an enabling environment in which citizens can express information, ideas and opinions without fear of reprisals or intimidation¹⁵⁴⁸. Given that the exercise of the right to freedom of expression not only tends to the personal fulfillment of those who express themselves, but also to the consolidation of truly democratic societies, the State has the obligation to generate sufficient conditions for public, plural and open deliberation on matters that concern us all as citizens of a given State¹⁵⁴⁹.

691. It also recognizes the challenges that have arisen in terms of freedom of expression as a result of the convergence of traditional and digital media, and the increasingly essential role played by social networks and digital technologies in elections. In this regard, RELE recalls that it is the duty of the State to ensure a digital environment that respects freedom of expression, especially in the electoral context¹⁵⁵⁰.

692. As noted by the Special Rapporteurs in their 2017 Joint Statement, "State actors should not make, endorse, encourage or otherwise disseminate statements that they know or reasonably should know to be false (disinformation) or that show a manifest disregard for verifiable information (propaganda). Consistent with their national and international legal obligations and public duties, state actors should endeavor to

¹⁵⁴³ Ijnet - International Journalists Network, [El Filtro, la nueva alianza de medios que investiga cómo se origina la desinformación en El Salvador](#), May 10, 2023; La Prensa Gráfica, [Medios digitales crean proyecto para contrarrestar la desinformación en El Salvador](#), April 12, 2023; Revista Factum X account (@RevustaFactum), [April 12, 2023](#).

¹⁵⁴⁴ Ijnet - International Journalists Network, [El Filtro, la nueva alianza de medios que investiga cómo se origina la desinformación en El Salvador](#), May 10, 2023; La Prensa Gráfica, [Medios digitales crean proyecto para contrarrestar la desinformación en El Salvador](#), April 12, 2023; Revista Factum X account (@RevustaFactum), [April 12, 2023](#).

¹⁵⁴⁵ Information sent by the State of El Salvador in response to the request for information from RELE in the framework of the preparation of the Annual Report, MP-OAS-149/2023, September 5, 2023.

¹⁵⁴⁶ Information sent by the State of El Salvador in response to the request for information from RELE in the framework of the preparation of the Annual Report, MP-OAS-149/2023, September 5, 2023.

¹⁵⁴⁷ UN, OSCE, OAS, Joint Declaration on Freedom of Expression and Elections in the Digital Age, April 30, 2020.

¹⁵⁴⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 8.

¹⁵⁴⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 8.

¹⁵⁵⁰ UN, OSCE, OAS, Joint Declaration on Freedom of Expression and Elections in the Digital Age, April 30, 2020.

disseminate reliable and credible information, including on matters of public interest, such as the economy, public health, security and the environment"¹⁵⁵¹.

¹⁵⁵¹ UN, OSCE, OAS, ACHPR, "Joint Declaration on Freedom of Expression and "Fake News" ("Fake News"), Disinformation and Propaganda," March 3, 2017.

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693. The year 2023 was marked by reports of attacks against journalists and media outlets, including the murder of at least two journalists, attacks with firearms on media outlets and damage to equipment. Likewise, there were reports of arrests of journalists and summonses or court orders as a result of events attributable to journalistic work.¹⁵⁵² Nevertheless, this Office recorded legislative advances to safeguard freedom of expression and press freedom, including an executive order to limit the use of commercial *spyware*; the decision not to review, for the time being, the precedent set by *Sullivan v. New York Times* to protect the media and its journalists from defamation suits; and the reintroduction of the *PRESS bill* to protect media workers from state espionage. With regard to freedom of expression and the fight against discrimination and exclusion, RELE became aware of the persistence of online harassment and threats against journalists, especially women, as well as members of minority groups. Additionally, this Office received reports on alleged instances of discrimination against journalists based on their ethnic origin and religious affiliation. Likewise, the Rapporteurship has monitored reports on the presentation of draft laws and the adoption of directives in different states that could impose restrictions on the exercise of freedom of expression on issues of interest to groups in vulnerable situations, such as LGBTI persons. Finally, in relation to freedom of expression and the Internet, the Rapporteurship learned of the decision of the Supreme Court to maintain protections for digital platforms for content that third parties publish on their platforms. Likewise, the Rapporteurship received the first executive order to regulate artificial intelligence. In addition, this Office received reports on state legislative initiatives to regulate access to social networks by minors, restrict TikTok, and require digital platforms and social networks to pay publishers for publishing and using their content. This office was also aware of at least one court decision to limit the contact of public agencies and officials with digital platforms for content moderation purposes. The Office has also taken cognizance of legal actions brought against platforms both under allegations of monopolistic practices, as well as for alleged harm to children.

A. Journalism and democracy

694. U.S. officials would be aware that chronic problems affecting journalists, including the disappearance of local news, distrust of accredited news sources and journalists, media polarization, and the weakening of journalism and democracy caused by digital platforms and social media, would remain unaddressed.¹⁵⁵³ Nevertheless, the current administration has repeatedly expressed its desire to reestablish its status as a model of free speech by, for example, reestablishing regular press briefings at the White House and federal agencies.¹⁵⁵⁴

695. This Office received reports that at least two journalists were reportedly killed in 2023. On February 22, the Rapporteurship learned that two *Spectrum News 13* journalists, reporter Dylan Lyons and photojournalist Jesse Walden, were shot while covering the scene of a homicide investigation in the Orlando suburb of Pine Hills, Florida; Lyons was killed, while Walden was seriously wounded.¹⁵⁵⁵ Authorities have reportedly located the person responsible for this crime and his trial is moving forward, facing charges of first-degree murder and attempted first-degree murder.¹⁵⁵⁶ On October 2, the Rapporteurship was informed of the murder of independent journalist Josh Kruger at his place of residence in Philadelphia, Pennsylvania; his journalistic work focused on covering homelessness, addiction, HIV, poverty and trauma for media outlets such

¹⁵⁵² U.S. Press Freedom Tracker, [The U.S. Press Freedom Tracker](#), October 29, 2023.

¹⁵⁵³ Information sent by the United States in response to RELE's request for information in the framework of the preparation of the Annual Report, September 1, 2023. Archive of the Office of the Special Rapporteur.

¹⁵⁵⁴ Information sent by the United States in response to RELE's request for information in the framework of the preparation of the Annual Report, September 1, 2023. Archive of the Office of the Special Rapporteur.

¹⁵⁵⁵ Sky News, [TV journalist Dylan Lyons shot dead while reporting at murder scene in Florida](#), Feb. 23, 2023; BBC, [Florida TV journalist and child shot dead at scene of earlier murder](#), Feb. 23, 2023.

¹⁵⁵⁶ Committee to Protect Journalists, [Dylan Lyons](#), Feb. 22, 2023; U.S. Press Freedom Tracker, [Alleged shooter of Spectrum News photojournalist indicted on first-degree murder charges](#), March 30, 2023; Fox 35 Orlando, [Keith Moses trial delayed as Pine Hills triple murder suspect makes first courtroom appearance since arrest](#), May 26, 2023.

as *The Philadelphia Inquirer* and *The Philadelphia Citizen*.¹⁵⁵⁷ According to authorities, Kruger was allegedly killed by a 19-year-old man he was allegedly trying to help. An arrest warrant has been issued for the man and he has been in police custody since late October.¹⁵⁵⁸

696. This Office recalls that violence against journalists, and especially the murders of journalists related to their profession, constitute the most serious form of violation of freedom of expression, not only because they threaten the life and integrity of the victim, but also because these crimes have a plurioffensive effect, that is, they affect several legally protected assets, namely: (i) the right of the victim to express himself and express his ideas; (ii) the inhibiting effect they generate in the guild and communicators of the same area, region or country; and (iii) it affects the right to freedom of expression in its collective dimension, inasmuch as society as a whole is deprived of being informed. Consequently, democratic debate is also affected, since it restricts or suppresses the free and open debate that a healthy and robust democracy presupposes.¹⁵⁵⁹

697. From January 2023 to the closing date of this annual report, the Office of the Special Rapporteur also recorded attacks with firearms against the facilities of at least two media outlets. On May 2, this Office received reports that the headquarters of *FOX 13* in Memphis, Tennessee, was attacked by a man carrying a rifle, who shot at the main door, equipped with ballistic glass.¹⁵⁶⁰ The information available indicates that all the media workers were unharmed and were evacuated to a rear parking lot.¹⁵⁶¹ The alleged attacker was reportedly captured the same day by local authorities and is facing charges of *aggravated assault* and *reckless endangerment*.¹⁵⁶² Likewise, at the beginning of May, this Office learned that *The Moundville Times* newspaper, based in Moundville, Alabama, reported that an unknown individual had shot through a window of the newspaper's office.¹⁵⁶³ The information available indicates that the office was empty at the time of the shooting, so no one was injured; the police have undertaken to investigate the motive for the attack as it is an unusual incident in this town.¹⁵⁶⁴

698. This Office reiterates that it is crucial that States comply with their obligation to investigate in order to find the material and intellectual perpetrators of attacks against journalists and media facilities, in order to provide justice in specific cases, prevent their repetition and avoid the inhibiting effect that violence has on communicators.¹⁵⁶⁵

699. Over the course of the year, this Office was informed of the arrest or attempted arrest of at least six journalists. On January 14, RELE learned that *Post and Courier* reporter Maggie Brown was reportedly arrested and charged with trespassing after being removed from a meeting of the general council of the *Catawba* Indian Nation near Rock Hill, South Carolina, to which she had not been invited and which the community reportedly prohibited her from re-entering; her case was reportedly dismissed on July 17 by York County.¹⁵⁶⁶ On February 8, the Rapporteurship received information indicating that *NewsNation* correspondent Evan Lambert was reportedly forcibly arrested by four members of law enforcement while covering a live press

¹⁵⁵⁷ Committee to Protect Journalists, [Journalist Josh Kruger shot, killed in Philadelphia](#), Oct. 2, 2023; CNN, [An arrest warrant has been issued for a suspect in the killing of Philadelphia journalist Josh Kruger](#), Oct. 6, 2023; ABC News, [Slain Philadelphia journalist Josh Kruger allegedly shot by 19-year-old he was 'trying to help': Police](#), Oct. 6, 2023.

¹⁵⁵⁸ CBS News, [Suspect arrested in murder of Philadelphia journalist, activist Josh Kruger: police](#), Oct. 25, 2023; NBC Philadelphia, [Arrest made in the shooting death of journalist Josh Kruger, police say](#), Oct. 26, 2023.

¹⁵⁵⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, *Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión*, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, March 2017, para. 330.

¹⁵⁶⁰ X account of Dakarai Turner (@Dakarai_Turner), [May 2, 2023](#); FOX 13, [Police identify man who allegedly shot into FOX13 station before barricading himself nearby](#), May 3, 2023.

¹⁵⁶¹ X account of Dakarai Turner (@Dakarai_Turner), [May 2, 2023](#); FOX 13, [Police identify man who allegedly shot into FOX13 station before barricading himself nearby](#), May 3, 2023.

¹⁵⁶² Memphis Police Department est. 1827, [Aggravated Assault Arrest](#), May 2, 2023.

¹⁵⁶³ Moundville Times, [Bullet fired at Moundville Times office building](#), May 17, 2023; WRBC 6, [Bullet hole found in Moundville Times office](#), May 18, 2023.

¹⁵⁶⁴ Moundville Times, [Bullet fired at Moundville Times office building](#), May 17, 2023; WRBC 6, [Bullet hole found in Moundville Times office](#), May 18, 2023.

¹⁵⁶⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, *Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión*, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, March 2017, para. 31.

¹⁵⁶⁶ Queen City News, [Reporter removed, cited during Catawba Nation meeting](#), Jan. 15, 2023; X account of The Catawba Nation (@officialcatawba), [Jan. 15, 2023](#); U.S. Press Freedom Tracker, [SC reporter arrested, banned from tribal lands](#), July 17, 2023.

conference of the governor of Ohio, facing charges of illegal trespassing and disorderly conduct after refusing to stop his coverage for allegedly interrupting the governor's remarks; the charges were reportedly dropped on February 15.¹⁵⁶⁷ Between April and May, the Rapporteurship learned that *The Bakersfield Californian* reportedly received a series of subpoenas to disclose the recording, notes and questions from an interview of journalist Ishani Desai with an individual charged with a crime; after refusing to comply with the subpoenas and failed attempts to appeal, a judge reportedly held the journalist in contempt, which could lead to prison time.¹⁵⁶⁸ In June, this Office was informed of the conviction for trespassing following the jury trial of *Asheville Blade* reporter Matilda Bliss, as well as fellow reporter Veronica Coit, during a trial following their arrest while documenting a sweep of a homeless encampment in Asheville, North Carolina, in December 2021.¹⁵⁶⁹

700. Similarly, RELE was informed that on May 8, freelance photojournalist Stephanie Keith was reportedly arrested while covering a vigil in New York City by a homeless man who was allegedly killed by a veteran, allegedly for obstructing arrests of protesters and engaging in disorderly conduct, despite identifying herself as a journalist; her case was reportedly adjourned to early August.¹⁵⁷⁰ On May 16, the Rapporteurship received reports that freelance journalist Lucas Mullikin was reportedly pushed to the ground and then arrested, despite identifying himself as a journalist, while documenting the allegedly violent arrest of a man in Yuma, Arizona; after rejecting a guilty plea that would grant him 40 days in jail, the journalist reportedly agreed to a deferred prosecution for which he would pay US\$500 in exchange for not being prosecuted unless he was arrested within the next year.¹⁵⁷¹ Finally, this Office was informed that on October 20, freelance photojournalist Eric Marks was reportedly detained, handcuffed and eventually released while documenting a demonstration in support of Palestine in Reno, Nevada, after police asked journalists to move from their original location and Marks refused because of the risk involved in crossing vehicular traffic.¹⁵⁷²

701. This Office recalls that communicators must not be detained for carrying out their work, nor harassed or attacked by the forces of law and order; on the contrary, it has a duty to protect them when they are victims of acts of violence by third parties; their equipment and materials may not be retained, confiscated or destroyed.¹⁵⁷³

702. The Rapporteurship is aware that the State has recognized that journalists have to work in dangerous conditions, facing a climate of animosity and aggression in which there have also been unprovoked physical attacks on clearly identified journalists.¹⁵⁷⁴ This Office has received reports suggesting that at least 30 journalists have been assaulted up to the closing date of this annual report, and will therefore proceed to describe these events in chronological order.

703. On February 1, RELE learned that *Binghamton Press & Sun-Bulletin* reporter Sarah Eames was reportedly pepper-sprayed by law enforcement while covering a protest in Johnson City, New York state, over

¹⁵⁶⁷ CNN, [Charges dismissed against NewsNation reporter who was arrested at East Palestine press conference](#), Feb. 15, 2023; Politico, [Charges dropped against reporter arrested at Ohio news conference](#), Feb. 15, 2023; Committee to Protect Journalists, [Journalist Evan Lambert arrested, charged while covering Ohio train derailment](#), Feb. 9, 2023.

¹⁵⁶⁸ U.S. Press Freedom Tracker, [Newspaper ordered to comply with subpoena for jailhouse interview notes](#), May 24, 2023; Los Angeles Times, [Bakersfield reporter fights order to turn over unpublished notes from jailhouse interview](#), May 25, 2023; Reporters Committee for Freedom of Expression, [RCFP supports Bakersfield Californian's subpoena fight](#), May 25, 2023.

¹⁵⁶⁹ WLOS, [Asheville Blade reporters found guilty of trespassing during homeless encampment coverage](#), June 16, 2023; U.S. Press Freedom Tracker, [Asheville reporter convicted of trespassing following jury trial](#), June 16, 2023.

¹⁵⁷⁰ Associated Press, [Press photographer arrested at protest over chokehold death](#), May 9, 2023; Committee to Protect Journalists, [CPI partners call for charges against New York journalist Stephanie Keith to be dropped](#), June 21, 2023; U.S. Press Freedom Tracker, [Photojournalist arrested at candlelight vigil for man killed on NYC subway](#), Aug. 2, 2023.

¹⁵⁷¹ X account of Lucas Mullikin (@lucasmullikin), [Sept. 18, 2023](#); Arizona Family, [Journalist claims Yuma officers violated his rights while recording arrest](#), Sept. 24, 2023; Freedom of the Press Foundation, [Deferred prosecution agreements silence and extort journalists](#), Oct. 4, 2023.

¹⁵⁷² This is Reno, [Journalist detained and threatened with arrest by Reno Police at downtown protest](#), October 24, 2023; U.S. Press Freedom Tracker, [Freelance photojournalist detained, cited at Reno rally](#), October 20, 2023.

¹⁵⁷³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 356.

¹⁵⁷⁴ Information sent by the United States in response to RELE's request for information in the framework of the preparation of the Annual Report, September 1, 2023. Archive of the Office of the Special Rapporteur.

the killing of African-American Tyre Nichols by police in Memphis, Tennessee; the reporter was reportedly sprayed despite having her proper press credentials after police demanded that everyone disperse.¹⁵⁷⁵

704. On March 11, photojournalist Michael G. Seamans of the *Morning Sentinel*, a local media outlet in Maine, was reportedly assaulted and his camera damaged while photographing a drama competition at Skowhegan High School.¹⁵⁷⁶ On March 25, *Press Trust of India U.S.* correspondent Lalit K. Jha was reportedly harassed and punched in the head while covering a protest at the Indian embassy in Washington D.C.¹⁵⁷⁷ On March 28, *WAFF 48* reported that one of its photographers was allegedly assaulted while covering a court case in Huntsville, Alabama, for which the media outlet reportedly decided to press charges.¹⁵⁷⁸ On March 29, *WVUE Fox 8 News* photojournalist Steven A. Wolfram reported being attacked by an unidentified man while reporting on a shooting in Slidell, Louisiana; the man also allegedly sought to destroy his journalistic equipment.¹⁵⁷⁹ On March 31, photojournalist Loren Holmes also reported being attacked while reporting on the vandalism of political campaign signs in Anchorage, Alaska; police were reportedly on the scene shortly thereafter.¹⁵⁸⁰

705. On May 17, this Office received reports that the *WTFX-TV FOX 29* news team was shot with a *pellet gun* from a moving vehicle while reporting outside City Hall in Philadelphia, Pennsylvania.¹⁵⁸¹ On May 23, the Rapporteurship learned that two *New York Post* journalists, Robert Miller and Reuven Fenton, were reportedly threatened and chased with a machete by a female adjunct professor at Hunter College after they questioned her about a debate she reportedly held with anti-abortion students.¹⁵⁸²

706. On June 26, the Office of the Special Rapporteur learned of an allegation by freelance journalist John Solak that he was allegedly pushed by the supervisor of Vestal, New York, while attempting to interview a town board member about his arrest.¹⁵⁸³

707. On July 6, this Office was informed of an alleged assault by conservative activists on journalist Doni Chamberlain of *A News Café* in Cottonwood, California; available information indicates that at least one activist reportedly forcibly grabbed her phone, which was hanging from her neck, while she was broadcasting on Facebook Live after surrounding her and demanding that she leave, resulting in a cervical and traumatic brain injury.¹⁵⁸⁴ On July 11, a *WFMZ/TV* photojournalist in Allentown, Pennsylvania, was reportedly struck multiple times by *airsoft* projectiles to the face, fired from a moving vehicle, though without causing permanent injury; the photojournalist was reportedly the victim of this intimidation while covering a homicide scene.¹⁵⁸⁵ On July 14, reporter Reuben Schafir of *The Durango Herald* reported that he was allegedly attacked during a concert in Silverton, Colorado, in retaliation for his reporting of an avalanche that allegedly endangered the

¹⁵⁷⁵ Sarah Eames' X account (@sarahsawthat), [Feb. 2, 2023](#); Johnson City Police Department, NY, [Media Release, Wegmans Incident](#), Feb. 2, 2023; U.S. Press Freedom Tracker, [Reporter pepper-sprayed while covering 'Justice for Tyre' protest](#), Feb. 2, 2023.

¹⁵⁷⁶ U.S. Press Freedom Tracker, [Photojournalist choked, his camera damaged in attack at Maine drama competition](#), March 11, 2023.

¹⁵⁷⁷ NDTV World, [Indian Journalist Attacked, Threats Against Envoy At US Khalistan Protest](#), March 26, 2023; ADP Live TV, ['Hurled Abuse', Asked To Leave 'My Land'. Hit: Indian Reporter's Account Of Assault By Khalistan Supporters In US](#), March 26, 2023; U.S. Press Freedom Tracker, [Indian journalist harassed, struck in head while documenting DC protest](#), March 25, 2023.

¹⁵⁷⁸ X account of WAFF 48 (@waff48), [March 28, 2023](#); U.S. Press Freedom Tracker, [Photojournalist assaulted in Alabama courthouse](#), March 28, 2023.

¹⁵⁷⁹ U.S. Press Freedom Tracker, [Louisiana photojournalist attacked, his camera thrown](#), March 29, 2023.

¹⁵⁸⁰ X account of Loren Holmes (@lorenholmes), [April 2, 2023](#); Anchorage Daily News, [An Anchorage Daily News journalist was assaulted while doing his job. Here's what happened](#), April 2, 2023.

¹⁵⁸¹ FOX 29, [Police investigating pellet gun incident involving FOX 29 News crew](#), May 18, 2023; Crossing Broad X account (@crossingbroad), [May 18, 2023](#).

¹⁵⁸² New York Post, [Shellyne Rodriguez, Unhinged NYC college professor who cursed out anti-abortion students, holds machete to Post reporter's neck](#), May 24, 2023; BBC, [US professor fired after machete threat to New York Post reporter](#), May 24, 2023.

¹⁵⁸³ John Solak's X account (@BinghamtonDaily), [June 26, 2023](#); U.S. Press Freedom Tracker, [Journalist says public official shoved him after town meeting](#), June 26, 2023.

¹⁵⁸⁴ U.S. Press Freedom Tracker, [California reporter assaulted at meeting as man grabs camera](#), July 6, 2023; Doni Chamberlain, [Facebook Live](#), July 7, 2023; The Sacramento Bee, [Shasta County reporter says she was assaulted while covering a meeting, DA reviewing cas](#), Aug. 25, 2023.

¹⁵⁸⁵ Lehighvalleylive.com, [WFMZ-TV 69 News crew at homicide scene hit by airsoft gun projectiles](#), July 14, 2023; Rob Vaughn's X account (@RobVaughnNews), [July 12, 2023](#).

lives of four skiers.¹⁵⁸⁶ On July 26, *Boston 25 News* reporter Bob Ward was allegedly assaulted by a man leaving a courthouse in Chelsea, Massachusetts after approaching the subject to ask questions; the alleged attacker was charged with assault and battery on a person over 60 years of age.¹⁵⁸⁷

708. On August 8, the Office of the Special Rapporteur was informed that a photographer for *WLS-TV* was reportedly assaulted and robbed by two men while covering a press conference in the East Garfield Park neighborhood of Chicago, Illinois; one of the subjects allegedly threw him to the ground, while the other allegedly broke one of the windows of the media vehicle to extract two cell phones.¹⁵⁸⁸ On August 11, *KTVI-TV* cameraman Wade Smith was reportedly struck and seriously injured by a municipal vehicle in Hillsdale, Missouri, with the municipality's chief elected official on board, while conducting a vehicle towing investigation with a colleague; Smith reportedly required emergency surgery while his camera was struck, although the extent of damage to the equipment is unknown.¹⁵⁸⁹ Also, on August 11, this Office received reports that reporter Deb Gruver of *The Record* newspaper in Marion County, Kansas, was injured when local authorities executed a search warrant at the offices of the newspaper and seized, according to publicly available information, her cell phone, along with other equipment and supplies for her journalistic work, although she was not named in the warrant; the reporter reportedly proceeded to sue the chief of police for violations of her First and Fourth Amendment rights.¹⁵⁹⁰ On August 17, a photojournalist from *WPLG-TV* was reportedly assaulted in Miami, Florida, while covering the release on bail of a woman accused of theft and fraudulent use of credit cards, when the defendant's father allegedly confronted him for filming her, insulting him and pushing him, according to public reports.¹⁵⁹¹ On August 28, the Rapporteurship was informed of the armed robbery of a camera from a Univision news crew in Chicago, Illinois, while they were reporting on an increase in armed robberies north of the city.¹⁵⁹²

709. On September 5, RELE received reports that independent journalist Lukasz Matyja reported being assaulted while covering a protest against a migrant shelter in New York City, when some demonstrators allegedly tried to dirty his camera lens and intimidate him, and he was eventually expelled from the event.¹⁵⁹³ On September 6, the Rapporteurship was informed that a journalist from the *Univision Chicago* network was assaulted and threatened with death by an unidentified individual in Chicago, Illinois, while broadcasting from a shopping mall;¹⁵⁹⁴ this would be the third incident in this city against journalists, for which reason the local broadcasting union expressed the need to take precautionary measures, such as refraining from live broadcasts.¹⁵⁹⁵ On September 9, RELE received reports that the mayor of Miami reportedly tried to snatch the phone out of the hands of *Miami Herald* investigative reporter Sarah Blaskey at city hall after she asked him about a complaint being investigated by the Florida ethics commission.¹⁵⁹⁶ On September 20, during the United Nations General Assembly, this Office was informed of an alleged attack against correspondent Kian Amani of *Iran International*, when a member of the official Iranian delegation allegedly tried to snatch his cell phone

¹⁵⁸⁶ U.S. Press Freedom Tracker, [Colorado reporter says he was assaulted by subject of reporting](#), July 14, 2023.

¹⁵⁸⁷ U.S. Press Freedom Tracker, [Boston TV reporter shoved after court hearing](#), July 26, 2023; *Boston 25 News*, [Revere man charged with impersonating police officer accused of assaulting TV reporter](#), Sept. 12, 2023.

¹⁵⁸⁸ CWB Chicago, [TV news photographer mugged while preparing to cover West Side news conference](#), Aug. 8, 2023; ABC 7, [Reward offered for fatal Chicago shooting of Rev. Paul Jakes' 14-year-old cousin over weekend](#), Aug. 9, 2023.

¹⁵⁸⁹ St. Louis Today, [Fox 2 cameraman breaks leg, needs surgery after he's hit by Hillsdale village vehicle](#), Aug. 18, 2023; FOX 2 Now, [FOX 2 photographer run over after community threatens to tow cars](#), Sept. 7, 2023; Associated Press, [St. Louis photographer run over and municipal workers arrested after village threatens to tow cars](#), Sept. 8, 2023.

¹⁵⁹⁰ CL, [Gruver v. Cody, 6:23-cv-01179, \(D. Kan.\)](#), Aug. 30, 2023; Kansas Reflector, [Kansas reporter sues Marion police chief, alleging retaliation in newsroom raid](#), Aug. 30, 2023; Associated Press, [Kansas reporter files federal lawsuit against police chief who raided her newspapers' office](#), Aug. 30, 2023; Deb Gruver, [Facebook post](#), Aug. 12, 2023.

¹⁵⁹¹ U.S. Press Freedom Tracker, [Florida broadcast photographer assaulted outside of jail](#), August 17, 2023.

¹⁵⁹² Chicago Tribune, [Chicago TV news crew robbed at gunpoint while filming a story on robberies in West Town](#), August 28, 2023; Block Club Chicago, [TV News Crew Robbed In Wicker Park While Reporting On Spike In Armed Robberies](#), August 28, 2023.

¹⁵⁹³ Lukasz Matyja's X account (@L2FTV), [Sept. 6, 2023](#); Lukasz Matyja, [Paranoid protesters attack me while covering their event against a migrant shelter in Staten Island](#), Sept. 5, 2023.

¹⁵⁹⁴ CWB Chicago, [TV news reporter assaulted while live streaming from South Loop](#), September 8, 2023.

¹⁵⁹⁵ U.S. Press Freedom Tracker, [Chicago TV reporter attacked while livestreaming](#), September 6, 2023.

¹⁵⁹⁶ Miami Herald, [Miami Mayor Suarez's tense confrontation with reporter](#), September 15, 2023; NBC Miami, [Miami Mayor Francis Suarez responds to video of heated exchange with Miami Herald reporter](#), September 16, 2023.

despite Amani's showing his press credentials.¹⁵⁹⁷ On September 27, the Rapporteurship received a complaint alleging that the head of research for *WTVF-TV*, Phil Williams, was repeatedly assaulted while trying to cover a mayoral candidate forum in Franklin, Tennessee.¹⁵⁹⁸

710. On October 8, this Office received reports suggesting that freelance journalist Talia Ben-Ora was allegedly assaulted, verbally harassed and briefly robbed of her credentials while reporting on a pro-Israel rally in New York City after covering a pro-Palestinian rally earlier that day; police on the scene reportedly escorted her out of the venue.¹⁵⁹⁹

711. The Rapporteurship recalls that acts of violence against journalists have a triple effect: they violate the right of the victims to express and disseminate their ideas, opinions and information; they have a chilling and silencing effect on their peers; and they violate the rights of individuals and societies in general to seek and receive information and ideas of any kind. The consequences for democracy, which depends on a free, open and dynamic exchange of ideas and information, are particularly serious.¹⁶⁰⁰

712. The obligation to prevent requires States to adopt a public discourse that contributes to the prevention of violence against journalists, to instruct their security forces to respect the surveillance role of the media, to respect the right of journalists to confidentiality of their sources of information, notes and personal and professional files, and to sanction and maintain accurate statistics on such violence against journalists.¹⁶⁰¹

713. Likewise, the obligation to conduct the investigation 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 take into account aspects linked to the context, such as the journalist's professional activity, will have less chance of achieving results and will probably raise questions about the authorities' willingness to solve the crimes.¹⁶⁰²

714. In addition, the Office of the Special Rapporteur was informed of the decision of many States to restrict the access of journalists and media workers to public deliberations and to limit their ability to approach public officials to ask questions or record them.¹⁶⁰³

715. On January 6, RELE was informed of the Texas state senate's decision to extend the COVID-19 policy restricting reporters' and cameramen's access to the senate floor, according to an official communication.¹⁶⁰⁴ Likewise, RELE was informed of a similar decision by the New York state assembly in January of this year, so that journalists would not be able to approach legislators to ask questions of public

¹⁵⁹⁷ Iran International, [Iran's President Entourage Attacks Iran International Reporters in NY](#), Sept. 21, 2023; X account of Office of the Special Envoy for Iran (@USEnvoyIran), [Sept. 21, 2023](#); CNN, [News channel says Iranian official attacked its journalists in New York](#), Sept. 22, 2023.

¹⁵⁹⁸ X account of Phil Williams (@NC5PhilWilliams), [Sept. 28, 2023](#); U.S. Press Freedom Tracker, [Reporter assaulted at Tennessee mayoral forum](#), Sept. 27, 2023.

¹⁵⁹⁹ X account of Talia Ben-Ora (@taliaotg), [Oct. 8, 2023](#); U.S. Press Freedom Tracker, [Freelance journalist harassed, press badge briefly stolen at pro-Israel rally](#), Oct. 8, 2023.

¹⁶⁰⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Violence against journalists and media workers: Inter-American standards and national practices on prevention, protection and the pursuit of justice, OEA/Ser.L/V/II. IACHR/RELE/INF.12/13, December 31, 2013, para. 287.

¹⁶⁰¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Violence against journalists and media workers: Inter-American standards and national practices on prevention, protection and the pursuit of justice, OEA/Ser.L/V/II. IACHR/RELE/INF.12/13, December 31, 2013, para. 290.

¹⁶⁰² IACHR, Office of the Special Rapporteur for Freedom of Expression, Violence against journalists and media workers: Inter-American standards and national practices on prevention, protection and the pursuit of justice, OEA/Ser.L/V/II. IACHR/RELE/INF.12/13, December 31, 2013, para. 203.

¹⁶⁰³ Information sent by the United States in response to RELE's request for information in the framework of the preparation of the Annual Report, September 1, 2023. Archive of the Office of the Special Rapporteur.

¹⁶⁰⁴ Lauren McGaughy (@lmcgaughy) Twitter account. [Jan. 6, 2023](#); Committee to Protect Journalists Twitter account (@pressfreedom). [Jan. 10, 2023](#).

interest.¹⁶⁰⁵ In February, this Office was informed of a new resolution in the city of Winter Garden, Florida, which would stipulate that journalists should not ask questions of officials before or after city commission or other official meetings, that they should not follow them to ask questions, and that repeated violations could result in expulsion or suspension of violators.¹⁶⁰⁶ The resolution would also require journalists to contact an information officer, to be designated by the city, to request interviews, comments or answers to questions; journalists, academics and press freedom advocates have reportedly said that the resolution would be unconstitutional.¹⁶⁰⁷ In February, the Office also recorded the expulsion of Peter Callaghan, a reporter for *MinnPost*, from the *Minnesota Democratic-Farmer-Labor Party Caucus (DFL)* distribution list in an apparent retaliation for an exchange during a press conference with the caucus' director of communications and public affairs; the reporter was also allegedly accused of discrimination and harassment, and sought to intimidate him with notifications to state capitol security.¹⁶⁰⁸

716. This Office recalls that the right of access to information is a critical tool for the control of the functioning of the State and public management, and for the control of corruption. The right of access to information is a fundamental requirement to guarantee transparency and good governance of the government and other state authorities. The full exercise of the right of access to information is an indispensable guarantee to avoid abuses by public officials, to promote accountability and transparency in state management, and to prevent corruption and authoritarianism.¹⁶⁰⁹ Therefore, the Rapporteurship reiterates that the right of access to public information imposes on the State the obligation to proactively disclose information on its functions, activities and management of public resources on a routine basis, even in the absence of a request for access to public information, ensuring that the information is accessible, understandable and updated.¹⁶¹⁰

717. In 2023, the Special Rapporteurship received multiple reports of alleged statements against journalists and media outlets. In April, the Rapporteurship was informed of an indictment against several McCurtain County officials for allegedly discussing how to kill two *McCurtain Gazette-News* journalists and making racist comments after a Board of Commissioners meeting in Idabel, Oklahoma; although the events were reportedly rejected by multiple sectors, the State Attorney General reportedly explained that the officials involved would not be penalized.¹⁶¹¹ In July, two *Los Angeles Times* reports, Libor Jany and Brittny Mejia, were reportedly accused of harassment by the city's police union, which reportedly emailed the accusation to its more than 9,000 members, with photographs and names of the two reporters, after they went to an officer's home to ask for comments for an upcoming article.¹⁶¹² Similarly, in October, this Office received reports that the Secretary of State reportedly asked the Qatari authorities to moderate the national media outlet *Al Jazeera's* coverage of the Hamas-Israel war because of the U.S. administration's alleged concern that the network is inflaming public opinion and increasing the risk of an escalation of the conflict regionally.¹⁶¹³

¹⁶⁰⁵ U.S. Press Freedom Tracker, [NY Assembly keeping pandemic restrictions for press access this session](#), Jan. 23, 2023; Zach Williams - Legislative Correspondents Association, Feb. 2, 2023, [LCA letter to Carl Hastie](#); Times Union, [Churchill: Does Carl Heastie want reporters around?](#), Feb. 7, 2023.

¹⁶⁰⁶ Winter Garden City Commission, [Resolution No. 23-02](#), Feb. 9, 2023; Orlando Sentinel, [Winter Garden faces criticism for resolution restricting journalists' ability to question city officials at public meetings](#), Aug. 4, 2023.

¹⁶⁰⁷ Winter Garden Vox, [Winter Garden implements new rules for media coverage of city meetings](#), Feb. 14, 2023; Orlando Sentinel, [Winter Garden faces criticism for resolution restricting journalists' ability to question city officials at public meetings](#), Aug. 4, 2023.

¹⁶⁰⁸ U.S. Press Freedom Tracker, [MinnPost reporter reinstated to press list after coalition backing](#), Feb. 9, 2023; MinnPost, [Why we sent a coalition letter expressing concern over the treatment of our reporter Peter Callaghan](#), April 13, 2023.

¹⁶⁰⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, El derecho de acceso a la información en el marco jurídico interamericano, OEA/Ser.L/V/II CIDH/RELE/INF. 1/09, December 30, 2009, para. 5.

¹⁶¹⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Right to Information and National Security, OEA/Ser.L/V/II CIDH/RELE/INF.24/20, July 2020, para. 150.

¹⁶¹¹ News 9, [FBI Investigating Alleged Death Threats Made by County Officials Against Oklahoma Newspaper Reporters](#), April 16, 2023; Associated Press, [Oklahoma officials accused of talk of killing journalists](#), April 17, 2023; CNN, [Oklahoma sheriff connected to audio with racist comments can't be removed from office, AG says](#), June 30, 2023; Associated Press, [No charges for Oklahoma sheriff who talked of killing journalists, prosecutor says](#), June 30, 2023.

¹⁶¹² X account of Brittny Mejia (@brittny_mehia), [July 14, 2023](#); U.S. Press Freedom Tracker, [LA Times journalists accused by police union of 'stalking.'](#), July 10, 2023.

¹⁶¹³ Axios, [Scoop: Blinken says he asked Watari PM to rein in Al Jazeera war coverage, per sources](#), October 25, 2023; The Guardian, [US asks Qatar to 'turn down the volume' of Al Jazeera news coverage](#), October 27, 2023.

718. Throughout 2023, the Rapporteurship received reports that at least 10 journalists were reportedly tracked in a database authorized by the U.S. government as part of its surveillance of the migrant caravan between late 2018 and early 2019, according to documents released beginning in March of this year pursuant to requests for information filed by San Diego television station *KNSD* and the *Reporters Committee for Freedom of the Press* (RCFP).¹⁶¹⁴ According to the *Operation Secure Line* documents, multiple officers allegedly surveilled journalists, social media influencers, attorneys, humanitarian workers and immigration advocates allegedly connected to a caravan of more than 9,000 Central American migrants seeking asylum.¹⁶¹⁵

719. This Office recalls that State officials should unequivocally repudiate attacks perpetrated in reprisal for the exercise of freedom of expression, and should refrain from making statements that could possibly increase the vulnerability of those who are persecuted for exercising their right to freedom of expression.¹⁶¹⁶ Additionally, the Rapporteurship recalls that the interception and retention of data on private communications entails both a direct limitation to the right to privacy and an affectation of the right to freedom of thought and expression.¹⁶¹⁷

720. Over the course of the year, the Special Rapporteur received reports suggesting that media concentration would be identified as a problem, as well as the gradual but steady disappearance of local analog media.¹⁶¹⁸ Since 1990, the number of print newspaper employees has reportedly declined from 455,000 to less than 90,000, while companies such as *Gannett* and *Alden Global Capital* are reportedly buying up regional media, possibly downsizing and concentrating on making a profit.¹⁶¹⁹

721. The Rapporteurship also received with concern reports indicating a significant increase in the number of media workers laid off in 2023. According to the information received, at least 17,436 jobs were reportedly cut as of May 31, a 315% increase from this time last year; this would be the largest number of job cuts on record, including those made during the beginning of the pandemic.¹⁶²⁰ Additionally, in the second half of 2023, traditional media outlets such as *The Washington Post*, *National Geographic* and the *Los Angeles Times* have reportedly announced their intention to eliminate hundreds of positions;¹⁶²¹ a similar move would be made by public media outlets such as *New York Public Radio* and *Southern California Public Radio*.¹⁶²² Digital media, such as *Barstool Sports*, *Bustle*, *Vice*, *Insider* and *Vox*, despite their new business models, would also be

¹⁶¹⁴ NBC San Diego, [Secure Line Secrets: Documents Released Behind Border Surveillance of Journalists, Attorneys and Humanitarian Aid Workers](#), March 24, 2023; Reporters Committee for Freedom of the Press, [Records obtained through FOIA litigation shed light on border surveillance of journalists, activists in 2018](#), May 2, 2023.

¹⁶¹⁵ NBC San Diego, [Secure Line Secrets: Documents Released Behind Border Surveillance of Journalists, Attorneys and Humanitarian Aid Workers](#), March 24, 2023; Reporters Committee for Freedom of the Press, [Records obtained through FOIA litigation shed light on border surveillance of journalists, activists in 2018](#), May 2, 2023.

¹⁶¹⁶ OAS, UN, OSCE, ACHPR, Joint Declaration on Crimes against Freedom of Expression, 2012.

¹⁶¹⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 148.

¹⁶¹⁸ Information sent by the United States in response to RELE's request for information in the framework of the preparation of the Annual Report, September 1, 2023. Archive of the Office of the Special Rapporteur.

¹⁶¹⁹ NPR, [Local Newsrooms Are Vanishing. Here's Why You Should Care](#), April 22, 2023; PBS, [The connections between decline of local news and growing political division](#), August 30, 2023; ProPublica, [Local Newspapers Are Vanishing. How Should We Remember Them?](#), October 14, 2023.

¹⁶²⁰ Challenger, Gray & Christmas, Inc, [Media & News Cuts](#), June 1, 2023; Society of Professional Journalists, [SPI concerned about record number of job cuts to newsroom staff](#), June 14, 2023.

¹⁶²¹ The Washington Post, [Washington Post will offer buyouts to cut staff by 240](#), October 10, 2023; CNN, [National Geographic magazine has laid off the last of its staff writers](#), June 29, 2023; LA Times, [Los Angeles Times cuts 74 newsroom positions](#), June 7, 2023.

¹⁶²² The New York Times, [WNYC Parent to Cut 12% of Work Force](#), September 26, 2023; LAist, [SCPR To Cut More Than 10% Of Staff Positions. CEO Cites Budget Shortfall](#), June 14, 2023.

cutting dozens of positions¹⁶²³ or even closing their operations altogether, as would be the case of *BuzzFeed News*.¹⁶²⁴

722. Local journalism would be the hardest hit by these cuts, with experts warning of the risk of information deserts and increased misinformation in multiple communities across the country.¹⁶²⁵ Likewise, studies would conclude that more than 70 percent of local media journalists would experience job burnout,¹⁶²⁶ while minority journalists would be disproportionately forced to leave journalism.¹⁶²⁷

723. This Office recalls that if monopolies and oligopolies exist in the media, only a small number of individuals or social sectors could exercise control over the information provided to society. In this way, individuals could be deprived of receiving information from other sources.¹⁶²⁸

724. Over the course of the year, the Office of the Special Rapporteur continued to follow up on the extradition request to the United States for *WikiLeaks* editor Julian Assange to face trial on espionage charges related to the publication of classified documents in 2010.¹⁶²⁹ In June, the Rapporteurship learned that a U.K. judge rejected Assange's latest attempt to avoid being sent to the United States, arguing that the appeal would repeat arguments previously presented and subsequently rejected by a district judge.¹⁶³⁰ Assange's legal defense argued that the U.K. Home Secretary would have erred in her decision to approve the extradition order because the U.S.-U.K. extradition treaty stipulates that an extradition would not be appropriate if sought for a political offense, contending that the request in question would be "politically motivated."¹⁶³¹ Further, the appeal argued that Assange was being prosecuted for protected speech.¹⁶³² RELE was informed that Assange would be about to exhaust his avenues of appeal at the national level, although he would still have the European Court of Human Rights as another legal avenue to avoid extradition.¹⁶³³ Meanwhile, the Rapporteurship learned that several U.S. legislators have sent a letter to the Attorney General to withdraw the charges against the founder of Wikileaks, as well as the extradition request.¹⁶³⁴

B. Freedom of expression, rule of law and democratic institutions

¹⁶²³ Nieman Reports, [Hey Journalists, Nobody Is Coming to Save Us](#), October 24, 2023; NY Post, [Barstool Sports to cut staff by nearly 25 percent as mass layoffs loom](#), August 30, 2023; AD Week, [BDG Lays Off 5% of Staff, Its Fourth Round of Cuts in 12 Months](#), June 6, 2023; CNN, [Vice Media cancels its flagship 'Vice News Tonight' program as it makes 'painful' layoffs and restructures the company](#), April 17, 2023; DailyBeast, [Insider to Lay Off 10 Percent of Staffers, Company Says](#), April 20, 2023; Axios, [Vox Media lays off 7% of staff amid economic uncertainty](#), Jan. 20, 2023.

¹⁶²⁴ CNN, [BuzzFeed News will shut down](#), April 21, 2023; The Guardian, [BuzzFeed News to close and parent company to make substantial layoffs](#), April 20, 2023.

¹⁶²⁵ Society of Professional Journalists, [SJI concerned about record number of job cuts to newsroom staff](#), June 14, 2023; Nieman Reports, [Hey Journalists, Nobody Is Coming to Save Us](#), Oct. 24, 2023.

¹⁶²⁶ UNC Center for Innovation and Sustainability in Local Media, [Beyond the Breaking News: Exploring Burnout, Turnover Intention and Solutions for Sustainability in Local Media](#), April 28, 2023.

¹⁶²⁷ Source, [Introducing 'Leavers': results from a survey of 101 former journalists of color](#), August 26, 2020; Society of Professional Journalists, [SJI concerned about record number of job cuts to newsroom staff](#), June 14, 2023.

¹⁶²⁸ IACHR, Annual Report 2004, Report of the Office of the Special Rapporteur for Freedom of Expression, Chapter V: The Impact of Concentration in the Private Ownership of the Media, para. 93.

¹⁶²⁹ Information sent by the United States in response to RELE's request for information in the framework of the preparation of the Annual Report, September 1, 2023. Archive of the Office of the Special Rapporteur.

¹⁶³⁰ The Guardian, [Julian Assange 'dangerously close' to US extradition after losing latest legal appeal](#), June 8, 2023; Associated Press, [Julian Assange latest bid to stop extradition to the U.S. on spying charges](#), June 9, 2023; Reuters, [Julian Assange loses US extradition challenge, will renew appeal next week](#), June 9, 2023.

¹⁶³¹ The Guardian, [Julian Assange 'dangerously close' to US extradition after losing latest legal appeal](#), June 8, 2023; CNN, [Julian Assange loses latest attempt to appeal against extradition to the US](#), June 9, 2023.

¹⁶³² The Guardian, [Julian Assange 'dangerously close' to US extradition after losing latest legal appeal](#), June 8, 2023; Associated Press, [Julian Assange latest bid to stop extradition to the U.S. on spying charges](#), June 9, 2023; Reuters, [Julian Assange loses US extradition challenge, will renew appeal next week](#), June 9, 2023.

¹⁶³³ Associated Press, [Julian Assange latest bid to stop extradition to the U.S. on spying charges](#), June 9, 2023; Reuters, [Julian Assange loses US extradition challenge, will renew appeal next week](#), June 9, 2023.

¹⁶³⁴ Politico, [A group of House progressives are urging the Justice Department to drop charges and an extradition request against Julian Assange](#), April 11, 2023; The Hill, [Democrats call for Garland to drop charges against Assange](#), April 11, 2023.

725. Over the course of the year, the Office of the Special Rapporteur recorded progress in legislative matters to safeguard freedom of expression and freedom of the press.

726. In March, the Special Rapporteur was informed of the U.S. President's decision to issue an executive order that would limit the use of commercial *spyware* in the United States.¹⁶³⁵ In the executive order, the government acknowledges that other governments have deployed this technology to "facilitate repression and enable human rights abuses" in order to "intimidate political opponents, curb dissent, limit freedom of expression, and target activists and journalists."¹⁶³⁶ According to official information, the executive order would apply to U.S. federal government departments and agencies, prohibiting them from operational use of commercial spyware tools, establishes counterintelligence factors, identifies countermeasures that providers of such tools could take to reduce identified risks, and establishes requirements for reporting and information sharing within the executive branch.¹⁶³⁷

727. Likewise, RELE received reports suggesting that there would be a growing push to review the landmark 1964 *Sullivan v. New York Times* decision, which protects the media from First Amendment defamation suits, creating a higher level of tolerance for public figures.¹⁶³⁸ However, this Office learned that the Supreme Court in early October declined to review the ruling through an appeal by former *Massey Energy* CEO Donald Blankenship of a lower court's decision dismissing his defamation lawsuit against *Fox News* and *MSNBC* for characterizing him as a "felon" during his failed 2018 U.S. Senate bid.¹⁶³⁹

728. The Special Rapporteurship learned that the bill known as the *Protect Reporters from Exploitive Staty Spying Act (PRESS Act)*, a federal shield law designed to protect journalists and their sources, was narrowly defeated in late 2022,¹⁶⁴⁰ despite a unanimous call by civil society organizations for its passage.¹⁶⁴¹ However, in mid-2023, this Office learned that the bill had been reintroduced by a bipartisan group of congressmen.¹⁶⁴² Available information would indicate that the bill would safeguard journalists in two ways: first, it would prevent the government from forcing journalists to reveal their sources; second, it would ensure that important data held by a third party, such as a phone company or internet provider, could not be seized without notice, providing the ability to challenge the measure in court.¹⁶⁴³

729. On the other hand, the Office of the Special Rapporteur also received multiple reports on possible instances of judicial harassment against journalists and media workers.

730. The Rapporteurship learned that reporter Ben Camacho, of the community media outlet *Knock LA*, is reportedly being sued by the city of Los Angeles in an attempt to force the return of more than 9,000 photographs of police officers that were initially released to him as part of a public records request.¹⁶⁴⁴

¹⁶³⁵ Information sent by the United States in response to RELE's request for information in the framework of the preparation of the Annual Report, September 1, 2023. Archive of the Office of the Special Rapporteur.

¹⁶³⁶ The White House, [FACT SHEET: President Biden Signs Executive Order to Prohibit U.S. Government Use of Commercial Spyware that Poses Risks to National Security](#), March 27, 2023.

¹⁶³⁷ The White House, [FACT SHEET: President Biden Signs Executive Order to Prohibit U.S. Government Use of Commercial Spyware that Poses Risks to National Security](#), March 27, 2023.

¹⁶³⁸ Information sent by the United States in response to RELE's request for information in the framework of the preparation of the Annual Report, September 1, 2023. Archive of the Office of the Special Rapporteur.

¹⁶³⁹ CNN, [Supreme Court declines to revisit landmark libel ruling, though Clarence Thomas wants to reconsider the decision](#), 10 October 2023; Reuters, [US Supreme Court turns away challenge to media defamation protections](#), 10 October 2023.

¹⁶⁴⁰ Information sent by the United States in response to RELE's request for information in the framework of the preparation of the Annual Report, September 1, 2023. Archive of the Office of the Special Rapporteur.

¹⁶⁴¹ Committee to Protect Journalists, [CPI joins call urging U.S. Senate to advance the PRESS Act](#), December 13, 2022; Article 19, [USA: Pass the PRESS Act and protect journalists now](#), December 15, 2022.

¹⁶⁴² Freedom of the Press Foundation, [Congress has reintroduced the PRESS Act. Now lawmakers must pass it](#), June 21, 2023; VOA News, [US Senators reintroduce landmark federal press shield bill](#), June 21, 2023; CNN, [A bipartisan bill aims to protect journalists from being forced to reveal their sources](#), June 22, 2023.

¹⁶⁴³ Freedom of the Press Foundation, [Congress has reintroduced the PRESS Act. Now lawmakers must pass it](#), June 21, 2023; VOA News, [US Senators reintroduce landmark federal press shield bill](#), June 21, 2023; CNN, [A bipartisan bill aims to protect journalists from being forced to reveal their sources](#), June 22, 2023.

¹⁶⁴⁴ U.S. Press Freedom Tracker, [Los Angeles sues journalist in attempt to claw back photos of police officers](#), April 5, 2023; Los Angeles Times, [LAPD officer photo scandal: Judge rejects city motion, gives victory to journalist](#), April 25, 2023.

According to the reporter, it would be a pattern for LAPD officers to obscure their identities at protests by flashing lights on cameras and refusing to reveal their badge numbers.¹⁶⁴⁵ A judge reportedly dismissed the lawsuit, ruling in Camacho's favor.¹⁶⁴⁶ The Rapporteurship also learned that journalist Matt Taibbi was reportedly threatened with perjury charges in a letter signed by a congresswoman alleging that the journalist lied under oath when testifying before Congress.¹⁶⁴⁷ Taibbi testified before the House Judiciary Committee's Weapons Subcommittee on the Judiciary in March after obtaining and releasing the "Twitter Files," a collection of internal communications that would allegedly show how the social media company would have made content moderation decisions before and after the 2020 election.¹⁶⁴⁸ Additionally, this Office learned that freelance photojournalist Joe Orellana reportedly received a cease-and-desist demand from the police union in San Diego, California, demanding that he remove tweets about an officer's testimony during a legislative hearing on the use of smart cameras; the photojournalist reportedly issued a correction, whereupon the union reportedly considered the matter "resolved."¹⁶⁴⁹ Similarly, RELE was informed of a cease-and-desist order against *New Brunswick Today* newspaper founder and publisher Charlie Kratovil by the New Brunswick, N.J., police department after raising questions during a city council meeting about the address of the civilian police director for his prolonged non-attendance at such meetings; authorities reportedly warned the journalist that he could face criminal charges for violating the state's Daniel Law, which prohibits the disclosure of addresses of judges and law enforcement officials, if he publishes the address of that official.¹⁶⁵⁰ The application of this law would be considered a violation of journalist Kratovil's freedom of speech, according to the *American Civil Liberties Union*; however, a judge reportedly refused to temporarily block Daniel's law despite public interest arguments presented by the journalist in a lawsuit against the authorities and the officer in question.¹⁶⁵¹

731. Similarly, the Special Rapporteur was informed of a series of subpoenas against at least five members of *ProPublica*, a non-profit investigative journalism organization, in connection with an ongoing lawsuit filed by hedge fund billionaire Ken Griffin against the *Internal Revenue Service (IRS)* for illegally leaking or disclosing taxes paid by U.S. billionaires.¹⁶⁵² Griffin reportedly filed the lawsuit in federal court in Miami in December 2022, alleging that the *IRS* failed to put in place "appropriate administrative, technical and/or physical safeguards" to protect his private data.¹⁶⁵³ A spokesperson for ProPublica explained that the wave of subpoenas would be an apparent attempt to identify ProPublica's source following the publication of its series "The Secret IRS Files," covering multiple tax documents, including Griffin's record of taxes paid.¹⁶⁵⁴ In September, Charles Littlejohn was reportedly charged with unauthorized disclosure of the tax returns to two media outlets and pleaded guilty, facing a maximum sentence of five years in prison if convicted.¹⁶⁵⁵

732. Finally, this Office was also alerted to court orders for journalists to turn over documents of their work. In July, a North Carolina judge reportedly seized the notes of Kenwyn Caranna, a reporter for the

¹⁶⁴⁵ U.S. Press Freedom Tracker, [Los Angeles sues journalist in attempt to claw back photos of police officers](#), April 5, 2023; Los Angeles Times, [LAPD officer photo scandal: Judge rejects city motion, gives victory to journalist](#), April 25, 2023.

¹⁶⁴⁶ U.S. Press Freedom Tracker, [Los Angeles sues journalist in attempt to claw back photos of police officers](#), April 5, 2023; Los Angeles Times, [LAPD officer photo scandal: Judge rejects city motion, gives victory to journalist](#), April 25, 2023.

¹⁶⁴⁷ Congress of the United States, [Letter to Matthew Taibbi](#), April 13, 2023; Scheerpost, [Matt Taibbi: House Democrats Have Lost Their Minds](#), April 19, 2023.

¹⁶⁴⁸ Congress of the United States, [Letter to Matthew Taibbi](#), April 13, 2023; Scheerpost, [Matt Taibbi: House Democrats Have Lost Their Minds](#), April 19, 2023.

¹⁶⁴⁹ San Diego Police Officers Association (@SDPOA) X account, [April 28, 2023](#); First Amendment Coalition, [FAC Letter to San Diego Police Officers Union Regarding Cease And Desist Demand To Photojournalist Joe Orellana](#), May 4, 2023; San Diego Police Officers Association (@SDPOA) X account, [May 6, 2023](#).

¹⁶⁵⁰ U.S. Press Freedom Tracker, [NJ journalist files lawsuit following cease-and-desist notice from police director](#), May 4, 2023; NJ.com, [NJ journalist asked questions about where a public official lived. Now he's in legal trouble](#), July 13, 2023.

¹⁶⁵¹ Law 360, [ACLU Says NJ Judge Safety Law Is Used To Chill Free Speech](#), July 21, 2023; New Jersey Monitor, [Judge declines to temporarily block Daniel's Law](#), Aug. 30, 2023.

¹⁶⁵² U.S. Press Freedom Tracker, [ProPublica journalist subpoenaed over IRS lawsuit](#), Aug. 22, 2023; Bloomberg, [Ken Griffin Subpoenas ProPublica Over Secret Tax Returns Leak](#), Sept. 14, 2023.

¹⁶⁵³ U.S. Press Freedom Tracker, [ProPublica journalist subpoenaed over IRS lawsuit](#), Aug. 22, 2023; Bloomberg, [Ken Griffin Subpoenas ProPublica Over Secret Tax Returns Leak](#), Sept. 14, 2023.

¹⁶⁵⁴ U.S. Press Freedom Tracker, [ProPublica journalist subpoenaed over IRS lawsuit](#), Aug. 22, 2023; Bloomberg, [Ken Griffin Subpoenas ProPublica Over Secret Tax Returns Leak](#), Sept. 14, 2023.

¹⁶⁵⁵ U.S. Department of Justice, [IRS Contractor Pleads Guilty to Disclosing Tax Return Information to News Organizations](#), October 12, 2023.

News & Record, while she was covering a juvenile court hearing, arguing that she was under a *gag order* to protect confidential case information; the order also reportedly provided for sealing her notes and preventing her from disclosing information about the cases she observed.¹⁶⁵⁶ In September, a Pennsylvania judge granted a motion to compel journalist Mike Elk to disclose his correspondence with sources and others as part of a defamation lawsuit.¹⁶⁵⁷ Elk reportedly conducted an investigation into sexual harassment allegations against Michael Fuoco, then-president of the Pittsburgh NewsGuild, a journalists' union.¹⁶⁵⁸

733. In addition, the Office of the Special Rapporteur also received reports of search and seizure warrants against media outlets and journalists and their families.

734. In May, the Rapporteurship received reports that independent journalist Tim Burke was reportedly subject to a search warrant by the FBI.¹⁶⁵⁹ The information available indicates that the raid on his home lasted approximately 10 hours, and that FBI agents seized virtually all electronic devices and files in his newsroom.¹⁶⁶⁰ The raid was reportedly related to a criminal investigation into "alleged computer intrusions and intercepted communications at Fox News Network" at a time when at least six clips of Fox anchor Tucker Carlson were reportedly leaked.¹⁶⁶¹ Authorities reportedly returned some of the seized equipment to the journalist at the end of September.¹⁶⁶² In August, the Rapporteurship also received reports that police in Marion County, Kansas, reportedly raided the offices of local media outlet *The Marion County Record*, as well as the home of the two co-owners and editors, after they investigated the owner of a local restaurant, and the search warrant was allegedly carried out as part of an investigation into the alleged illegal use of a computer and identity theft.¹⁶⁶³ However, the media would also argue that the raid was due to other preliminary investigations into the background and allegations of wrongdoing against the county's police chief.¹⁶⁶⁴ The raid reportedly seized computers, cell phones, a file server and other journalistic work products, although a prosecutor reportedly withdrew the warrant and ordered the return of everything seized days later;¹⁶⁶⁵ meanwhile, law enforcement reportedly copied the newspaper's computer files onto a storage device.¹⁶⁶⁶ The police chief reportedly resigned after irregularities committed during the raid were investigated.¹⁶⁶⁷

735. This Office recalls that under no circumstances may journalists, members of the media or members of civil society who have access to and disseminate classified information on this type of surveillance programs, because they consider it to be in the public interest, be subject to subsequent sanctions. Similarly, confidential sources and materials related to the dissemination of classified information must be protected by law.¹⁶⁶⁸ Therefore, the Rapporteurship reiterates that States also have a positive obligation to protect the freedom of the media, including by the following measures: guaranteeing the right to protect confidential sources of information, including by protecting source-identifying material, such as professional notes and files,

¹⁶⁵⁶ News & Record, [Judge issues gag order, seizes notes of News & Record reporter](#), Aug. 5, 2023; U.S. Press Freedom Tracker, [North Carolina judge seizes reporter's notes, issues gag order](#), July 28, 2023.

¹⁶⁵⁷ Semafor, [Journalist union seeks reporters', sources' emails in lawsuit](#), Oct. 15, 2023; Poynter, [NewsGuild seeks a reporter's confidential sources as it faces defamation suit](#), Oct. 17, 2023.

¹⁶⁵⁸ Semafor, [Journalist union seeks reporters', sources' emails in lawsuit](#), Oct. 15, 2023; Poynter, [NewsGuild seeks a reporter's confidential sources as it faces defamation suit](#), Oct. 17, 2023.

¹⁶⁵⁹ United States District Court, [Case No. 8:23MJ1541SPE](#), May 26, 2023.

¹⁶⁶⁰ Tampa Bay Times, [Tucker Carlson, Fox News hacks tied to FBI search of Tampa council member's home](#), May 26, 2023; U.S. Press Freedom Tracker, [FBI raids home, office of independent journalist on hacking allegations](#), May 8, 2023.

¹⁶⁶¹ Freedom of the Press Foundation, [Rights orgs, broadcasters demand info on FBI raid of journalists' home](#), Oct. 4, 2023; U.S. Press Freedom Tracker, [FBI raids home, office of independent journalist on hacking allegations](#), May 8, 2023.

¹⁶⁶² FBI, [Evidence Collected Item Log - Return/Production Status](#), September 29, 2023.

¹⁶⁶³ Kansas Reflector, [Search Warrant - 8th Judicial District of Marion County, Kansas](#), August 11, 2023.

¹⁶⁶⁴ The Kansas City Star, [Kansas newspaper raided, shut down by police had investigated chief who came from KCPD](#), October 5, 2023; CNN, [Marion police chief suspended after raid of Marion County Record newspaper in Kansas](#), October 1, 2023.

¹⁶⁶⁵ U.S. Press Freedom Tracker, [Kansas newspaper editor's home raided by local law enforcement](#), August 30, 2023; Marion County Record, [Secretly seized data returned](#), September 7, 2023.

¹⁶⁶⁶ U.S. Press Freedom Tracker, [Newsroom, personal equipment seized in Kansas raid](#), Oct. 2, 2023; CNN, [Police raid Kansas newspaper office and owner's home, seize records and computers](#), Aug. 16, 2023.

¹⁶⁶⁷ The New York Times, [Police Chief Who Ordered Raid on Kansas Newspaper Resigns](#), October 2, 2023; CNN, [Marion County Record: Police chief resigns after raid of the Marion County Record newspaper in Kansas](#), October 3, 2023.

¹⁶⁶⁸ OAS, UN, Joint Declaration on surveillance programs and their impact on freedom of expression, 2013.

in various ways, including encryption of communications; and creating appropriate safeguards against the search and seizure of journalistic material.¹⁶⁶⁹

C. Freedom of expression and the fight against discrimination and exclusion

736. During the year of 2023, the Rapporteurship has monitored constant complaints that, in different states, regulations are advanced to impose restrictions on the dissemination of expressions to different topics considered manifestations of interest to groups in vulnerable situations, in particular issues related to the efflorescent population, gender and possible expressions of the LGBTI community. For example, RELE has become aware of regulations that would impose limitations on the discussion of sex education in schools, as well as race issues¹⁶⁷⁰; the publication of rules restricting the circulation of books in the name of the protection of children, by means of which works with LGBTI, gender, race and history themes would be particularly affected¹⁶⁷¹; of complaints about the disproportionate impacts that the proposals of certain restrictions on expressions in public shows could have for manifestations historically connected to the LGBTI+ and Afro-descendant community¹⁶⁷². In this context, some States have reportedly passed laws that could lead to criminal prosecution of school librarians who provide books considered inappropriate for the age groups they serve¹⁶⁷³. This would demonstrate a trend of efforts to try to regulate how issues, such as race, should be debated in the U.S. .¹⁶⁷⁴

737. However, the Rapporteurship also notes that, in some cases and states, such regulations have been swept away by court order¹⁶⁷⁵. Likewise, there are examples of legislation passed to, contrary to the trend, seek to guarantee the exercise of the right to freedom of expression more broadly in the name of safeguarding the first amendment of the Constitution¹⁶⁷⁶. Nevertheless, the Rapporteurship is concerned about the effects that the registered trends have already produced. Between 2022 and 2023, according to data from PEN International, at least 847 books would have suffered restrictions that the NGO described as "ban"¹⁶⁷⁷. RELE has also monitored news of self-censorship¹⁶⁷⁸. On the above, RELE highlights that a school principal was forced to withdraw after parents complained that sixth graders were being asked to look at images of Michelangelo's statue of David in class, which some parents considered to be dissemination of pornographic material¹⁶⁷⁹. At the same time, a large publishing company in the United States reportedly adopted strategies

¹⁶⁶⁹ OAS, UN, OSCE, ACHPR, Joint Declaration on Media Independence and Diversity in the Digital Age, 2018.

¹⁶⁷⁰ Time, [What to Know About Florida's New 'Dont Say Gay' Rule That Bans Discussion of Gender for All Students](#), April 20, 2023; Education Week, [Map: Where Critical Race Theory Is Under Attack](#), June 11, 2021; Education Week, [Which States Are Considering 'Dont Say Gay' Bills and Where They Stand](#), February 28, 2023; U.S News & Word Report, [Tracking the Attack on Critical Race Theory in Education](#), April 11, 2023.

¹⁶⁷¹ Pen America, [Banned in the USA: State Laws Supercharge Book Suppression in Schools](#); Banned & Challenged Books. [Censorship by the Numbers](#); The Guardian, ['Eating away at democracy': book bans in US public schools rise by a third in a year](#), 22 September 2023.

¹⁶⁷² Time, [Tennessee Passed the Nation's First Law Limiting Drag Shows. Here's the Status of Anti-Drag Bills Across the U.S.](#), April 3, 2023; The Washington Post, [The culture war's latest casualty: the high school musical](#), May 2, 2023; Pen America, [Closure of Exhibit on Diversity and Civil Rights at Florida College. As Some Items are Deemed "Offensive." Sends the Wrong Message About Higher Ed and its Values. Pen America Says](#), Feb. 2, 2023.

¹⁶⁷³ The Washington Post, [School librarians face a new penalty in the banned-book wars: Prison](#), May 18, 2023; Daily Mail, [Mapped: The U.S. states where school librarians face years in prison and tens of THOUSANDS in fines for providing 'harmful' books for children](#), May 22, 2023.

¹⁶⁷⁴ Time, [Exclusive: New Data Shows the Anti-Critical Race Theory Movement Is 'Far From Over'](#), April 6, 2023.

¹⁶⁷⁵ Time, [Tennessee Passed the Nation's First Law Limiting Drag Shows. Here's the Status of Anti-Drag Bills Across the U.S.](#), April 3, 2023; The New York Times, [Group Challenges Arkansas Law That Would Criminalize Access to Some Books](#), June 2, 2023; Politico, [DeSantis' anti-drag law remains blocked in Florida colleges](#), March 16, 2023.

¹⁶⁷⁶ The New York Times [To Fight Book Bans, Illinois Passes a Ban on Book Bans](#), June 13, 2023; Reuters, [Illinois becomes first state to pass law curtailing book bans](#), June 13, 2023.

¹⁶⁷⁷ Pen America, [Banned in the USA: State Laws Supercharge Book Suppression in Schools](#), April 20, 2023.

¹⁶⁷⁸ Rand Corporation, [Walking on Eggshells-Teachers' Responses to Classroom Limitations on Race- or Gender-Related Topics](#), 2023.

¹⁶⁷⁹ The Washington Post, [Florida parents upset by Michelangelo's 'David' force out principal](#), March 24, 2023; BBC, [Principal resigns after Florida students shown Michelangelo statue](#), March 25, 2023.

to enable schools and parents to identify books that had generally been subject to restrictions and to opt out of having them present at school fairs for elementary schools.¹⁶⁸⁰

738. As highlighted in its 2022 Annual Report, RELE once again recalls that censorship of debate on controversial issues will not address the structural inequalities and prevalent biases that affect various vulnerable groups, such as LGBTI+ people and people of African descent, in the United States. Likewise, the RELE "hindering the deliberation of issues of public relevance in educational spaces, which par excellence form citizens and prepare children for life in society, undermines the potential of education to develop the values of understanding, solidarity, respect and responsibility"¹⁶⁸¹. In this context, it is essential to remember that "the exercise of children's rights is progressive in accordance with their evolving capacities, and that it is up to parents, the family and other responsible parties to provide appropriate guidance and direction for the child to exercise these rights".¹⁶⁸²

739. At the same time, according to information received by this Office, journalists are no strangers to harassment and threats, especially via the Internet. Among U.S. journalists who were harassed by someone outside their organization, 76 percent had experienced online abuse, according to *Statistica*.¹⁶⁸³ Additionally, women and journalists from marginalized communities would be frequent victims of online harassment and abuse, which could encourage self-censorship, although this would not yet be a widespread phenomenon in the country, according to official sources.¹⁶⁸⁴

740. According to information received by this Office over the course of the year, X, formerly Twitter, remains the leading social network for U.S. journalists.¹⁶⁸⁵ However, experts such as the *Center for Countering Digital Hate (CCDH)* point out that the platform would not be removing posts that would contain hate speech, anti-Semitic and anti-Muslim, among others, despite having been notified that the content would violate current guidelines.¹⁶⁸⁶ The report was published a month after X sued *CCDH*, a non-profit organization, alleging that its investigations were not based on proper and legal methods; for its part, the organization argued that the lawsuit was intended to create financial pressure due to the high legal costs associated with it.¹⁶⁸⁷

741. In addition, the Office of the Special Rapporteur received reports of possible instances of discrimination against journalists based on their ethnic origin and religious affiliation. In October, the Rapporteurship received information indicating that the governor of the state of Nebraska had sought to delegitimize a journalistic investigation by reporter Yanqi Xu, of the *Flatwater Free Press*, because of the journalist's nationality.¹⁶⁸⁸ In the context of the conflict between Hamas and Israel since October 7 of this year, the Office of the Special Rapporteur received reports indicating that the MSNBC network had temporarily removed three Muslim television presenters, Ayman Mohyeldin, Ali Velshi, and Mehdi Hasan, from its programming because of their alleged position on the hostilities in the Middle East.¹⁶⁸⁹

¹⁶⁸⁰ Scholastic. [News Room: A Message From Scholastic on U.S. Book Fairs](#).

¹⁶⁸¹ IACHR, Annual Report, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50, March 6, 2023, para. 670.

¹⁶⁸² IACHR, Guarantees of Rights Children and Adolescents, OEA/Ser.L/V/II.166 Doc. 206/17, November 30, 2017, para. 339.

¹⁶⁸³ Information sent by the United States in response to RELE's request for information in the framework of the preparation of the Annual Report, September 1, 2023. Archive of the Office of the Special Rapporteur.

¹⁶⁸⁴ Information sent by the United States in response to RELE's request for information in the framework of the preparation of the Annual Report, September 1, 2023. Archive of the Office of the Special Rapporteur.

¹⁶⁸⁵ Information sent by the United States in response to RELE's request for information in the framework of the preparation of the Annual Report, September 1, 2023. Archive of the Office of the Special Rapporteur.

¹⁶⁸⁶ CNBC, [Elon Musk's X sued this nonprofit after it exposed hate speech, and its new research shows little has changed](#), Sept. 13, 2023; The Hill, [X didn't take action on 86 percent of hate speech posts: report](#), Sept. 13, 2023.

¹⁶⁸⁷ The New York Times, [Twitter Sues Nonprofit That Tracks Hate Speech](#), July 31, 2023; Reuters, [Musk's X sues nonprofit that fights hate-speech](#), Aug. 1, 2023.

¹⁶⁸⁸ Flatwater Free Press, [Governor's comments about FFP reporter infuriating, dead wrong](#), Oct. 17, 2023; Associated Press, [Nebraska governor faces backlash for comments on investigative reporter's Chinese nationality](#), Oct. 18, 2023; 1011 Now KOLN, [Governor Pillen addresses comments made about non-profit newspaper reporter's nationality](#), Oct. 20, 2023.

¹⁶⁸⁹ Semafor, [Inside MSNBCs' Middle East conflict](#), October 13, 2023; The Wrap, [MSNBC Commits to 'Thoroughly' Covering Hamas Attacks 'In All Their Dimensions' After Reports of Benching Muslim Anchors](#), October 16, 2023.

742. This Office recalls that politicians and other leadership figures in society should refrain from making statements that encourage or promote racism or intolerance against individuals based on protected characteristics, such as race, nationality or ethnicity.¹⁶⁹⁰

D. Freedom of expression and the Internet

743. RELE also received reports suggesting that the public debate over law enforcement access to encrypted communication services would continue; some officials warn that their technical inability to break encryption even with a court order poses a threat to the rule of law, and opponents argue that any weakening of the security of encrypted services exposes all users to criminal hacking and other harmful effects.¹⁶⁹¹

744. In a *Qurium* report received by this Bureau, the organization found that the services of U.S.-based technology companies would have been used to carry out cyberattacks against media websites in other countries during August 2023.¹⁶⁹² The targeted media outlets would include the Somali Journalists Syndicate, a group that advocates for press freedom in the country; *Turkmen.news*, an exile-run site covering Turkmenistan; and *Nacionale*, in Kosovo.¹⁶⁹³ According to public information, all three media outlets have reportedly previously faced censorship and intimidation efforts, including the arrest of employees, physical violence and online harassment.¹⁶⁹⁴

745. The Rapporteurship recalls that the response of States in terms of security in cyberspace must be limited and proportionate, and seek to comply with precise legal purposes that do not compromise the democratic virtues that characterize the network. In this sense, governments should refrain from favoring the concentrated and centralized use of criminal law as the fundamental instrument for dealing with all possible threats to online security.¹⁶⁹⁵

746. Throughout the year, the Special Rapporteur was informed of the ongoing debate on the reform of Section 230 of the *Communications Decency Act*, which establishes that social networking companies and other Internet servers would not be responsible for the content that third parties publish on their platforms.¹⁶⁹⁶ According to public information, the Supreme Court would have heard in February two appeals of online content moderation cases that would be related to such legislation: *Gonzalez v. Google* and *Twitter v. Taamneh*.¹⁶⁹⁷ In both cases, citizens have alleged that these digital platforms are responsible for terrorist attacks because of the radicalization and recruitment they have facilitated by allowing, without editorial oversight, the circulation of content from terrorist organizations.¹⁶⁹⁸ Civil society organizations would have asked the Supreme Court not to limit the application of Section 230 by ruling in favor of the citizen plaintiffs, as it would "severely limit online free speech in the United States and beyond" by encouraging Internet platforms to "conform to the use of automated content moderation tools" which would be "notoriously poor at differentiating legal and illegal speech, leading to the excessive removal of legal, even public interest-oriented

¹⁶⁹⁰ OAS, UN, OSCE, ACHPR, Joint Declaration on Freedom of Expression and Countering Violent Extremism, 2016.

¹⁶⁹¹ Information sent by the United States in response to RELE's request for information in the framework of the preparation of the Annual Report, September 1, 2023. Archive of the Office of the Special Rapporteur.

¹⁶⁹² Qurium, [Weaponizing Proxy and VPN Providers](#), September 7, 2023; Committee to Protect Journalists, [Network abuse: attacks on 3 media sites involved services of US, UK firms](#), September 19.

¹⁶⁹³ Qurium, [Weaponizing Proxy and VPN Providers](#), September 7, 2023; Committee to Protect Journalists, [Network abuse: attacks on 3 media sites involved services of US, UK firms](#), September 19.

¹⁶⁹⁴ Safejournalists.net, [AIK condemns physical attack against Nationals team in Prizren](#), August 11, 2023; Robert F. Kennedy Human Rights, [SOMALI JOURNALISTS SYNDICATE AND RFK HUMAN RIGHTS SUBMIT COMMUNICATION TO A HUMAN RIGHTS COMMITTEE FOR SOMALI JOURNALIST ABDALLE AHMED MUMIN](#), September 15, 2023; Justice for Journalists, [Attacks on media workers in Turkmenistan in 2022](#), September 11, 2023; Committee to Protect Journalists, [CPI calls on President Berdimuhamedov to lift restrictions on Turkmenistan's press, release journalist Nurgeldi Halykov](#), September 15, 2022.

¹⁶⁹⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 120.

¹⁶⁹⁶ Information sent by the United States in response to RELE's request for information in the framework of the preparation of the Annual Report, September 1, 2023. Archive of the Office of the Special Rapporteur.

¹⁶⁹⁷ Brookings Institute, [The Supreme Court takes up Section 230](#), January 31, 2023; Vox, [Section 230, the internet law that's under threat, explained](#), February 23, 2023.

¹⁶⁹⁸ Brookings Institute, [The Supreme Court takes up Section 230](#), January 31, 2023; Vox, [Section 230, the internet law that's under threat, explained](#), February 23, 2023.

content."¹⁶⁹⁹ In May, this Office learned that the Court decided to uphold protections for digital platforms in both cases, thus would not have limited Section 230 of the Communications Decency Act and would have found that claims for aiding terrorism would not apply to the ordinary activities of social networking companies.¹⁷⁰⁰

747. Additionally, the Special Rapporteurship was informed of the President's signing of an executive order on artificial intelligence for the purpose of making artificial intelligence "safe and secure."¹⁷⁰¹ According to official information, the new rules would include new regulations to ensure the safety and security of artificial intelligence; protect the privacy of U.S. citizens; advance fairness and civil rights; advocate for consumers, patients, and students; support workers; promote innovation and competition; and ensure responsible and effective use of this technology by other governments.¹⁷⁰²

748. In June 2023, RELE learned that the YouTube platform would stop removing content related to electoral misinformation from past presidential elections. According to the platform, with the 2024 campaigns underway, the update would seek to promote open discussion, arguing that including controversial ideas would be fundamental to the functioning of a democratic society, especially in the midst of election season"¹⁷⁰³ . Previously, the platform would have taken further steps against the spread of political disinformation in the context of the 2016 and 2020 elections.¹⁷⁰⁴

749. This Office has learned that Meta's president of global affairs has reportedly advocated the company's launch of an open source artificial intelligence model. According to the company, the openness of AI would be the best way to ensure that the technology is developed in a responsible and ethical manner, expressing that other companies should share details of their work to encourage open discussions about the benefits and risks¹⁷⁰⁵ . In turn, the Rapporteurship was informed that Google has reportedly launched a version of its experimental AI, Bard, in Spanish. In addition, the company reported that it expanded its access to more countries including Brazil and the 27 countries of the European Union. Bard would be a Google AI language model, known as a chatbot, created to communicate and generate human-like text¹⁷⁰⁶ .

750. This Office reiterates that it is desirable that companies that moderate content continue their efforts to make transparent the technological solutions that make algorithmic content curation and moderation possible, including the data that informs artificial intelligence. They should also clarify and inform users of the criteria they use in their internal decision-making processes regarding the content they remove in application of their community policies.¹⁷⁰⁷

751. So far this year, the Office of the Special Rapporteur received reports on bills that would regulate access to social networks by minors, as well as changes in the staffing, moderation and labeling of content on various platforms.

752. RELE was informed about a series of laws that would apply restrictions on the use of social networks by minors. In March, the State of Utah passed a law that would limit the use of social networks by minors on the grounds of protecting their mental health. According to the legal text, minors would need the

¹⁶⁹⁹ Article 19, [USA: Supreme Court must protect free expression online](#), January 20, 2023.

¹⁷⁰⁰ The New York Times, [Supreme Court Won't Hold Tech Companies Liable for User Posts](#), May 18, 2023; Reuters, [US Supreme Court leaves protections for internet companies unscathed](#), May 19, 2023.

¹⁷⁰¹ The White House, [Fact Sheet: President Biden Issues Executive Order on Safe, Secure, and Trustworthy Artificial Intelligence](#), October 30, 2023.

¹⁷⁰² The White House, [Fact Sheet: President Biden Issues Executive Order on Safe, Secure, and Trustworthy Artificial Intelligence](#), October 30, 2023.

¹⁷⁰³ YouTube, [An update on our approach to US election misinformation](#), June 2, 2023.

¹⁷⁰⁴ CNN Business, [YouTube will now allow 2020 election denialism content in policy reversal](#), June 2, 2023; BBC, [YouTube stops deleting false 2020 election claims](#), June 3, 2023.

¹⁷⁰⁵ Financial Times, [Nick Clegg: Openness on AI is the way forward for tech](#), July 11, 2023; The Guardian, [Nick Clegg defends release of open-source AI model by Meta](#), July 9, 2023.

¹⁷⁰⁶ Google, [10 ways you can use Bard in Spanish](#), July 13, 2023; Infobae, [Google's artificial intelligence Bard, now available in Spanish](#), July 13, 2023.

¹⁷⁰⁷ OAS, Guide to Guarantee Freedom of Expression in the Face of Deliberate Disinformation in Electoral Contexts, OEA/Ser.D/XV.22, 2019, p. 44.

explicit consent of their parents to use *Instagram*, *Facebook* and *TikTok* and would not be able to use them from 22:30 at night to 6:30 in the morning, unless modified by their parents¹⁷⁰⁸. In the same direction are the laws of the State of Arkansas enacted in April¹⁷⁰⁹ and the State of Texas signed in July¹⁷¹⁰, which would require age verification and explicit parental or guardian consent before a minor creates their own accounts on social networking platforms.

753. In addition to the above, RELE registers a context of a series of legal proceedings against platforms alleging that their business models, applications and social networks have had harmful effects on children¹⁷¹¹. In particular, this office notes that in October 2023, 33 States reportedly filed a class action lawsuit in federal court against *Meta* based on allegations that, through its platforms, the company has caused harm to the "mental and physical health of children and youth" in the country, in addition to having perpetrated other actions that the plaintiff States consider "deceptive and unlawful conduct in violation of federal law"¹⁷¹². On the same day, the District of Columbia and 8 other States reportedly filed lawsuits with similar allegations in local courts, alleging violations of their respective State laws¹⁷¹³. Likewise, the State of Utah would have prosecuted Tik Tok in a local court for the damages that its platform "causes to Utah's children through its ongoing violations of the Utah Consumer Sales Act"¹⁷¹⁴.

754. RELE also learned of legislation that would seek to limit or ban the social network TikTok for allegedly transferring Americans' personal data to China. In the State of Florida, a law was signed prohibiting the use of the TikTok application and other applications owned by "foreign countries of interest" such as Iran, Russia, Venezuela, Cuba, Syria and North Korea in public offices and universities. The state governor noted that the law would have been created to prevent these countries from collecting data and information from U.S. users for the benefit of the Chinese government¹⁷¹⁵. For the same reasons, Montana would have been the first state to pass a law prohibiting TikTok from operating in its territory. According to official information, a fine of \$10,000 would be applied for each day that the platform remains accessible on Google or Apple for users in the state¹⁷¹⁶. In May, the company filed a lawsuit before a federal court to declare the ban on its platform unconstitutional as it is based on unfounded speculation and would violate First Amendment rights¹⁷¹⁷.

755. RELE was also briefed on the California State Journalism Preservation Act that would seek to force large technology companies to pay publishers for publishing and using their news content. The bill would have been suspended until 2024 and would see 70 percent of those funds go to preserving journalistic works

¹⁷⁰⁸ El País, [Utah limits by law the use of social networks by minors](#), March 24, 2023; BBC News, [Utah is first US state to limit teen social media access](#), March 24, 2023.

¹⁷⁰⁹ Forbes, [Arkansas Requiring Parental Permission For Kids To Use Social Media-joining Utah](#), April 12, 2023; The Verge, [New Arkansas bill to keep minors off social media exempts most social media platforms](#), April 13, 2023.

¹⁷¹⁰ The Verge, [Texas bans kids from social media without parental consent](#), June 14, 2023; The National Law Review, [Texas Two-Steps into the Childrens Privacy Dance: The Securing Children Online through Parental Empowerment Act](#), July 11, 2023.

¹⁷¹¹ Reuters, [Social media companies must face youth addiction lawsuits, US judge rules](#), November 14, 2023; The Verge, [Social media giants must face child safety lawsuits, judge rules](#), November 14, 2023.

¹⁷¹² United States District Court for the Northern District of California, [State of Arizona ex rel. Kris Mayes, Attorney General, et al. v. Meta Platforms, Inc.](#), et al, October 24, 2023.

¹⁷¹³ **New York Times**, [Meta Accused by States of Using Features to Lure Children to Instagram and Facebook](#), **Oct. 24, 2023**; **State of New Jersey, Department of Law and Public Safety, New Jersey Office of the General Attorney**, [AG Platkin, 41 Other Attorneys General Sue Meta for Harms to Youth from Instagram, Facebook](#), **Oct. 24, 2023**.

¹⁷¹⁴ Third Judicial District Court, County of Salt Lake, State of Utah, Division of Consumer Protection of the State of Utah v. TikTok Inc., October 10, 2023.

¹⁷¹⁵ Aristegui Noticias, [Florida bans TikTok in universities and public offices](#), May 8, 2023; Florida's voice, [DeSantis signs bill to ban TikTok from government devices](#), May 8, 2023; WTSP, [Gov. Ron DeSantis bans TikTok on state government, education devices](#), May 8, 2023.

¹⁷¹⁶ ABC News, [What to know about the Montana TikTok ban](#), May 18, 2023; Montava.gov, [Governor prohibits use of apps tied to foreign adversaries on state devices and networks](#), May 17, 2023.

¹⁷¹⁷ The Guardian, [TikTok sues Montana after app is banned in state](#), May 22, 2023; France 24, [USA: TikTok files lawsuit to prevent its ban in Montana state](#), May 22, 2023.

in the state¹⁷¹⁸. In response, Meta reportedly warned that if the legislation is approved, it would proceed to remove all news content from its platforms in the state.¹⁷¹⁹

756. This Office also learned that a Louisiana district judge has reportedly issued a decision and court order that would place limits on contact by President Biden's administration agencies and officials with social media platforms. The decision would be a response to a 2022 lawsuit alleging that the federal government would have overreached in the number of requests to platforms to combat misinformation during the COVID-19 pandemic¹⁷²⁰. The order would target a list of public officials and government agencies, outlining permitted and prohibited actions. For example, meetings with social media companies "for the purpose of urging, encouraging, pressuring, or otherwise inducing the removal, deletion, suppression, or curtailment of content containing protected free speech posted on social media platforms would not be permitted," although platforms could be notified of content involving "criminal activity or conspiracies" and "threats against public safety or the security of the United States"¹⁷²¹.

757. With respect to the social network X, formerly known as Twitter, RELE continued to be informed of actions and decisions that would jeopardize freedom of expression on the Internet. In February 2023, X employees reportedly claimed that the platform was having difficulty deploying tools to address trolling and harassment under the authority of Elon Musk.¹⁷²² According to available information, reports indicate that a significant number of the people on the team in charge of reducing so-called trolling have been fired¹⁷²³.

758. In addition, the Special Rapporteurship was also informed that in February, X's recommendation algorithm system was artificially modified by its engineers to prioritize and increase the visibility of the new owner's posts even for people who do not follow him on the network. According to public information, his request was allegedly given behind a low interaction and interest in his tweets in general¹⁷²⁴.

759. In April, this Office learned that the media outlet NPR would no longer publish new content on its 52 official X feeds. According to available information, its decision was a consequence of the stance taken by the platform to label the network as "state-affiliated media," the same term previously used for Russian, Chinese and other countries with authoritarian regimes. However, in an attempt to reverse the situation, X later reportedly revised its decision, creating a new label for NPR as a "government-funded media outlet"¹⁷²⁵.

760. Finally, RELE also takes note of the filing of a lawsuit that the Department of Justice and attorneys general of 8 states filed, in federal court, alleging violations of U.S. federal antitrust law by Alphabet (Google). The above, under allegation of monopolistic practices in "multiple digital advertising technology products"¹⁷²⁶. RELE emphasizes that, in addition to the above, during 2023 it has also monitored the progress

¹⁷¹⁸ Telemundo, [Bill would force tech companies to pay for news content](#), July 1, 2023; Los Angeles Times, [California bill requiring Big Tech to pay for news placed on hold until 2024](#), July 7, 2023.

¹⁷¹⁹ Online Politics, [Facebook threatens Newsom to pull news content from California if law to pay publishers passes](#), May 31, 2023; The Guardian, [Meta threatens to pull news content in California if law to pay publishers passes](#), June 1, 2023.

¹⁷²⁰ AP News, [Judge limits Biden administration in working with social media companies](#), July 4, 2023; CNN, [Federal judge blocks Biden administration officials from communicating with social media companies](#), July 5, 2023.

¹⁷²¹ United States District Court, [Case no.3:22-cv-01213](#), July 4, 2023.

¹⁷²² BBC News, [Twitter insiders: We can't protect users from trolling under Musk](#), 6 March 2023; Dailymail, [Toxic trolls 'left to thrive on Twitter under Elon Musk': Hateful and vile content - including disinformation and child sexual exploitation - remains a huge problem on social media app, insiders claim](#), 6 March 2023.

¹⁷²³ BBC News, [Twitter insiders: We can't protect users from trolling under Musk](#), 6 March 2023; Dailymail, [Toxic trolls 'left to thrive on Twitter under Elon Musk': Hateful and vile content - including disinformation and child sexual exploitation - remains a huge problem on social media app, insiders claim](#), 6 March 2023.

¹⁷²⁴ The Verge, [Yes, Elon Musk created a special system for showing you all his tweets first](#), February 14, 2023; The Guardian, [Elon Musk reportedly forced Twitter algorithm to boost his tweets after Super Bowl flop](#), February 15, 2023.

¹⁷²⁵ NPR, [NPR quits Twitter after being falsely labeled as 'state-affiliated media'](#), April 12, 2023; Twitter NPR, [NPR produced consequential, independent journalism every day in service to the public](#), April 12, 2023.

¹⁷²⁶ US Department of Justice, [Justice Department Sues Google for Monopolizing Digital Advertising Technologies](#), January 24, 2023.

in the trial of a lawsuit filed by the Department of Justice against the same company in 2020, this time for alleged monopolistic practices in online search engines¹⁷²⁷.

¹⁷²⁷ US Department of Justice, [Justice Department Sues Monopolist Google For Violating Antitrust Laws](#), October 20, 2020; New York Times, [In Its First Monopoly Trial of Modern Internet Era, U.S. Sets Sights on Google](#), September 6, 2023.

GRENADA

761. In 2023, the Office of the Special Rapporteur received information on the media landscape in Grenada, particularly the challenges in professionalizing media workers and improving journalistic standards. Despite this complex landscape, this Office recorded progress in the conduct of investigative journalism and the training of local communicators, especially with respect to crisis communication for climate and health emergencies. As in its last report, RELE became aware of repeated calls to explore the possibility of Grenada becoming a republic, with the national public debate reportedly characterized by demands for the government and monarchy of the United Kingdom to formally apologize for their role in the slave trade and make monetary reparations. On the legislative front, the Office was informed of the adoption of the Personal Data Protection Act and a recent implementation of the Electronic Crimes Act. Finally, the Office learned of progress made in closing the digital divide through public-private partnerships with telecommunications companies and the implementation of the Caribbean Digital Transformation Project.

A. Journalism and democracy

762. In early 2023, the Special Rapporteurship received the report on media literacy, misinformation and trust in the Caribbean media, published by the *Public Media Alliance (PMA)*, the largest global association of public media organizations, which reportedly analyzed the situation in eight countries, including Grenada.¹⁷²⁸ The country report would have five recommendations: establish an association of news publishers; encourage collaboration between government, media and communicators to develop a broadcasting regulatory framework; update the *Newspapers Act* to reflect the realities of the digital world; encourage media outlets to employ fact-checkers, where possible, to reinforce the quality of their content; and encourage media outlets to develop and implement an editorial policy, especially in relation to the use of social media information as a source of information.¹⁷²⁹

763. According to information compiled by the *Association of Caribbean Media Workers (ACM)*, Grenada would have 65 journalists and a national association of media workers, the *Media Workers Association of Grenada (MWAG)*.¹⁷³⁰ However, most of these persons would not have adequate formal education; the highest level of education in the country would be a *Media Studies Associate's Degree*.¹⁷³¹ Those who would have obtained certifications beyond this degree would have opted not to continue working in the local media as a result of low pay and lack of union membership.¹⁷³² Given this possible exodus of workers, there would be few media outlets that would have communicators with more than ten years of experience.¹⁷³³ Some media workers have reportedly expressed interest in receiving additional training through local media in alliance with national and regional journalistic associations.¹⁷³⁴

764. According to official information from the *National Telecommunications Regulatory Commission* of Grenada, there are 34 radio channels authorized to operate in the country: 31 commercial FM radio channels, two community FM radio channels, and one AM radio.¹⁷³⁵ There are also four television channels: *Grenada Broadcasting Network*, *Grenada Wireless Communications Network Ltd*, *Moving Target*

¹⁷²⁸ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

¹⁷²⁹ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

¹⁷³⁰ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023; Media Workers Association of Grenada, [Facebook Page](#).

¹⁷³¹ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

¹⁷³² Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023; Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

¹⁷³³ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

¹⁷³⁴ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

¹⁷³⁵ National Telecommunications Regulatory Commission, [Broadcast Register](#), July 1, 2020.

Company, and Grenada Family Network.¹⁷³⁶ The Grenada Broadcasting Network, consisting of the television station GBN TV, and radio stations *Hott FM: 98.5 & 98.7*, *Klassic FM: 105.5 & 105.9*, and GBN Gospel: 96.9 & 97, would be the largest media conglomerate in Grenada and would have mixed ownership: the government would own 40 percent and the company *One Caribbean Media* the remaining 60 percent.¹⁷³⁷

765. On the other hand, there would be at least five newspapers, between physical and digital, with varying frequencies of publication: *Grenada Informer*, *The New Today*, *The Grenadian Voice*, *The Barnacle News*, and *Now Grenada*.¹⁷³⁸ An NRTC official reportedly explained that there would be no legal regulatory framework to grant and regulate licenses for Internet-based communications and transmissions, so some experts would recommend updating the *Newspapers Act*.¹⁷³⁹

766. In its latest country report, the *Public Media Alliance (PMA)* could not identify any newsrooms with employees in traditional positions such as news directors, editors-in-chief, copy editors and fact-checkers.¹⁷⁴⁰ Therefore, media workers would have to perform multiple tasks simultaneously, such as gathering information, writing articles, proofreading, supporting the production of broadcast content, taking photographs, and publishing content on different platforms.¹⁷⁴¹ This report also explains that there would be newsrooms where marketing staff would be in charge, so the content produced would not meet journalistic standards.¹⁷⁴²

767. Likewise, there would be no national media with a team dedicated to investigative journalism, according to local editors, so their content would be reduced to daily occurrences.¹⁷⁴³ In addition, the local media would obtain their information mostly from official sources, such as government documents, official communiqués and press conferences, without any contrasts, partly due to a shortage of personnel and the need to obtain information of public interest at no cost due to a drop in advertising revenues during the pandemic.¹⁷⁴⁴ The Special Rapporteurship has received information that would indicate that the judiciary, unlike the executive, would not be covered by the media due to lack of access to court hearings and rulings.¹⁷⁴⁵

768. Despite the media landscape in the country, the Special Rapporteurship recorded the publication of investigative journalism through the *Caribbean Investigative Journalism Network (CIJN)*. In April, *CIJN* reportedly published an investigation into the incarceration of men, particularly young men, examining its causes, such as poverty and poor academic performance, as well as their treatment in prison and rehabilitation initiatives.¹⁷⁴⁶ In May, a report was reportedly published on debit and credit card frauds that have led to losses of thousands of Eastern Caribbean dollars and the lack of investigations by the authorities and the country's banking sector.¹⁷⁴⁷ In June, an investigation was reportedly presented on human *papillomavirus (HPV)* vaccines in Grenada, particularly their benefits and the obstacles presented by

¹⁷³⁶ National Telecommunications Regulatory Commission, [Broadcast Register](#), July 1, 2020.

¹⁷³⁷ Grenada Broadcasting Network, [About](#), undated.

¹⁷³⁸ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023; Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

¹⁷³⁹ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023; Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

¹⁷⁴⁰ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

¹⁷⁴¹ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

¹⁷⁴² Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

¹⁷⁴³ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

¹⁷⁴⁴ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

¹⁷⁴⁵ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

¹⁷⁴⁶ Caribbean Investigative Journalism Network, [Prison - a Destination for Young Men?](#), April 16, 2023.

¹⁷⁴⁷ Caribbean Investigative Journalism Network, [Thousands Lost to Debit/Credit Card Fraud in Grenada](#), May 31, 2023.

misinformation.¹⁷⁴⁸ Finally, in August, *CIJN* reportedly presented an investigation into gun crime in the country, examining the increase in homicides and illegal possession of imported weapons, as well as the role of the police in addressing this phenomenon.¹⁷⁴⁹

769. In February 2023, this Office learned that a training on crisis communication for media professionals, news editors and government information officers from the Caribbean was held in Miami, United States, organized by the U.S. Embassy in Barbados in partnership with the U.S. Department of State and the U.S. Disaster Emergency Management Agency.¹⁷⁵⁰ The training, held in Miami, United States, was reportedly organized by the U.S. Embassy in Barbados in partnership with the U.S. Department of State and the *Caribbean Disaster Emergency Management Agency (CDEMA)*.¹⁷⁵¹ Participants reportedly included citizens from Grenada, as well as Antigua and Barbuda, Bahamas, Barbados, Dominica, Guyana, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, and Trinidad and Tobago.¹⁷⁵² The training would have sought to develop familiarity with digital tools, skills to decipher misinformation in crisis situations, especially natural disasters, strategies to communicate effectively with and between government agencies, and techniques to share information with the public after a natural disaster.¹⁷⁵³

770. In July 2023, this Office also learned that the Grenada Ministry of Health also reportedly organized training for more than 30 media professionals and public officials on risk communication to combat misinformation, strengthen public confidence in emergency situations, and develop strategies for sharing scientific information.¹⁷⁵⁴ During the COVID-19 pandemic, the Ministry of Health reportedly had to repeatedly deny false information about the virus and the vaccine; the proliferation of false information reportedly affected the ability of authorities to convince citizens to comply with health protocols and eventually get vaccinated against COVID-19 and other diseases.¹⁷⁵⁵

771. The Office of the Special Rapporteur welcomes all efforts to professionalize, train and promote local media workers.

772. In March 2023, the Special Rapporteur was informed of the Ministry of Information's decision to begin a restructuring and updating process to strengthen the *Government Information Service (GIS)*, the government news station, in order to improve communication with the public.¹⁷⁵⁶ According to public information, a government advisor reportedly explained that the objectives of the initiative would include streamlining operations, optimizing the use of resources, and providing training to maintain high standards in the creation and dissemination of public interest content.¹⁷⁵⁷ The initiative would also incorporate investment in technologies and tools to improve *GIS*'s ability to gather and distribute news.¹⁷⁵⁸

773. Also, as part of this process of restructuring and updating the *Government Information Service (GIS)*, the Special Rapporteurship was also informed of the decision to replace the nightly national news report

¹⁷⁴⁸ Caribbean Investigative Journalism Network, [HPV Vaccine: A Positive Hope for the Future in the Battle Against Cervical Cancer](#), June 30, 2023.

¹⁷⁴⁹ Caribbean Investigative Journalism Network, [Gun Crime Grows Slowly, but Greater Priority Urged](#), August 2, 2023.

¹⁷⁵⁰ TechCamp, [TechCamp Bridgetown: Connecting Crisis Communications Changemakers](#), February 7, 2023; Government Information Services (GIS) of Grenada, [Regional media practitioners participate in tech camp in Miami](#), February 10, 2023.

¹⁷⁵¹ TechCamp, [TechCamp Bridgetown: Connecting Crisis Communications Changemakers](#), February 7, 2023; Government Information Services (GIS) of Grenada, [Regional media practitioners participate in tech camp in Miami](#), February 10, 2023.

¹⁷⁵² TechCamp, [TechCamp Bridgetown: Connecting Crisis Communications Changemakers](#), February 7, 2023; Government Information Services (GIS) of Grenada, [Regional media practitioners participate in tech camp in Miami](#), February 10, 2023.

¹⁷⁵³ TechCamp, [TechCamp Bridgetown: Connecting Crisis Communications Changemakers](#), February 7, 2023; Government Information Services (GIS) of Grenada, [Regional media practitioners participate in tech camp in Miami](#), February 10, 2023.

¹⁷⁵⁴ Grenada Broadcasting Network, [Risk Communication Workshop](#), July 13, 2023.

¹⁷⁵⁵ Pan-American Journal of Public Health, [Facilitators of and barriers to COVID-19 vaccination in Grenada: a qualitative study](#), 20 March 2023; UNICEF, [Grenada: COVID-19 Vaccine Hesitancy Survey Report 2022](#), undated.

¹⁷⁵⁶ Caribbean Loop News, [Grenada's Government Information Service \(GIS\) to be revamped](#), March 22, 2023; Now Grenada, [GIS moves to weekly news wrap-up](#), March 24, 2023.

¹⁷⁵⁷ Caribbean Loop News, [Grenada's Government Information Service \(GIS\) to be revamped](#), March 22, 2023; Now Grenada, [GIS moves to weekly news wrap-up](#), March 24, 2023.

¹⁷⁵⁸ Caribbean Loop News, [Grenada's Government Information Service \(GIS\) to be revamped](#), March 22, 2023; Now Grenada, [GIS moves to weekly news wrap-up](#), March 24, 2023.

with a weekly one on Fridays at 6:30 pm.¹⁷⁵⁹ This, according to the GIS director, would be intended to "deliver information in a more efficient and effective manner, through strategic programming that features the latest updates, analysis and expert commentary on the issues that matter most to citizens."¹⁷⁶⁰ This format change would also include new segments on outstanding citizens and cultural events to foster "pride in Grenada's unique heritage and culture."¹⁷⁶¹

774. This Office reiterates that democratic control of public administration, through public opinion, fosters transparency in the activities of the State and the accountability of public officials for their actions, and is a means to achieve the highest level of citizen participation. Hence, the proper development of democracy requires the widest circulation of reports, opinions and ideas on matters of public interest.¹⁷⁶² In this sense, the prevailing importance of the discussion of matters of public interest also leads to the reinforced protection of the right of access to information on public affairs.¹⁷⁶³

775. In mid-June 2023, the Special Rapporteur learned that the *Media Workers Association of Grenada* (MWAG) reportedly organized a training on the roles and responsibilities of representatives and senators, the speaker of the house, and the president of the senate to improve the journalistic coverage of these political actors.¹⁷⁶⁴

776. However, in June 2023, this Office recorded the alleged expulsion of journalist George Worme, of *The New Today* media, from a court of first instance, so he would not have been able to carry out his journalistic work that day.¹⁷⁶⁵ According to the complaint filed by the journalist with the police commissioner, an officer, a former bodyguard of the then prime minister and now leader of the opposition, allegedly expelled him on the grounds that he was not complying with the dress code of the court.¹⁷⁶⁶ However, the journalist allegedly claimed that he did not violate the dress code since wearing a media T-shirt would count as an exception and that his expulsion was due to his critical coverage of past administrations.¹⁷⁶⁷

777. This Office recalls that members of the police and armed forces should receive training on freedom of expression, the importance of journalists in democratic societies and the need to protect them. Furthermore, it is important that this training be provided at all levels of the institutional hierarchy and in administrative centers, as well as in remote and border regions of the States.¹⁷⁶⁸

B. Freedom of expression, rule of law and democratic institutionalality

778. In 2012, Grenada would have become the first Caribbean country to decriminalize defamation, although *seditious libel* would remain a criminal offense with a two-year sentence.¹⁷⁶⁹ Other laws that would impact freedom of expression in the country would include the *Companies Act*, the *Criminal Code*, the *Libel and*

¹⁷⁵⁹ Caribbean Loop News, [Grenada's Government Information Service \(GIS\) to be revamped](#), March 22, 2023; Now Grenada, [GIS moves to weekly news wrap-up](#), March 24, 2023.

¹⁷⁶⁰ Caribbean Loop News, [Grenada's Government Information Service \(GIS\) to be revamped](#), March 22, 2023; Now Grenada, [GIS moves to weekly news wrap-up](#), March 24, 2023.

¹⁷⁶¹ Caribbean Loop News, [Grenada's Government Information Service \(GIS\) to be revamped](#), March 22, 2023; Now Grenada, [GIS moves to weekly news wrap-up](#), March 24, 2023.

¹⁷⁶² IACHR, Office of the Special Rapporteur for Freedom of Expression, *El derecho de acceso a la información en el marco jurídico interamericano*, OEA/Ser.L/V/II CIDH/RELE/INF. 1/09, December 30, 2009, para. 33.

¹⁷⁶³ IACHR, Office of the Special Rapporteur for Freedom of Expression, *El derecho de acceso a la información en el marco jurídico interamericano*, OEA/Ser.L/V/II CIDH/RELE/INF. 1/09, December 30, 2009, para. 37.

¹⁷⁶⁴ Media Workers Association of Grenada, [Media Week Activities](#), June 18, 2023.

¹⁷⁶⁵ The New Today, [Police bodyguard to former Prime Minister Keith Mitchell throws out journalist George Worme from Magistrate Court](#), June 9, 2023.

¹⁷⁶⁶ The New Today, [Police bodyguard to former Prime Minister Keith Mitchell throws out journalist George Worme from Magistrate Court](#), June 9, 2023.

¹⁷⁶⁷ The New Today, [Police bodyguard to former Prime Minister Keith Mitchell throws out journalist George Worme from Magistrate Court](#), June 9, 2023.

¹⁷⁶⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, *Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión*, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, March 15, 2017, recommendation no. 5.

¹⁷⁶⁹ International Press Institute, [IPI Board congratulates Grenada on decriminalising defamation](#), November 6, 2012; Freedom House, [Freedom in the World 2023: Grenada](#), June 21, 2023.

Slander Act, the *Copyright Act*, the *Newspaper Act*, the *Electronic Crimes Act* and the *Telecommunications Act*.¹⁷⁷⁰ Information received by this Office would indicate that at least five lawsuits have been filed against media workers in the country in the last two years, at least one involving a cabinet member and a media house.¹⁷⁷¹

779. As of the date of publication of this annual report, Grenada would be one of the few countries in the region without a Freedom of Information Act [*Access to Information Act*], despite repeated promises by national authorities to design and implement such legislation.¹⁷⁷²

780. The Office of the Special Rapporteur recalls that the effective guarantee of the right of access to information requires that States adapt their legal system and internal institutions to the requirements of this right and that they adequately implement the rules on access to information with a gender perspective.¹⁷⁷³ Likewise, legislation regulating the right of access to public information should be broad in scope and States should adopt the principle of maximum disclosure and good faith as guiding principles of the right of access to information in all areas of administration and government. In addition, intelligence agencies should be subject to public control and independent oversight bodies.¹⁷⁷⁴

781. In February 2023, the Office of the Special Rapporteur received reports that the *Grenada National Reparations Commission (GNRC)* had requested to initiate a popular consultation on whether the country should become a republic.¹⁷⁷⁵ The request would be made in the framework of the 50th anniversary of independence from the United Kingdom in 2024, as well as the apology and compensation by descendants of British slavers.¹⁷⁷⁶ In addition to formally separating from the British monarchy, the commission also proposed to replace the UK *Privy Council* with the Caribbean Court of Justice, based in Trinidad and Tobago, as the final court of appeal.¹⁷⁷⁷ Likewise, the *GNRC* would have demanded that streets, buildings and institutions be stripped of colonial names.¹⁷⁷⁸

782. In the course of July 2023, RELE recorded a strike by dozens of employees of *Republic Bank Grenada Ltd.* in multiple branches. The employees, who were allegedly represented by a union, protested the alleged unwillingness of the bank to conclude negotiations for a new collective bargaining agreement after more than ten rounds of negotiations since April 2022.¹⁷⁷⁹ Among the issues that the parties have not been able to resolve are salary increases, although both sides have reportedly reached an agreement after three weeks of strike action.¹⁷⁸⁰

¹⁷⁷⁰ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

¹⁷⁷¹ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023; Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

¹⁷⁷² Grenada Broadcasting Network, [NDC Freedom of Information Act](#), June 10, 2022; Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023; Now Grenada, [Grenada Yet to Enact Freedom of Information Act Legislation](#), December 29, 2017.

¹⁷⁷³ IACHR, Access to Information, Violence against Women and the Administration of Justice in the Americas, OEA/Ser.L/V/II.154, Doc.19, March 27, 2015, para. 109.

¹⁷⁷⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Right to Information and National Security, OEA/Ser.L/V/II, IACHR/RELE/INF.24/20, July 2020, recommendation No. 1.

¹⁷⁷⁵ Now Grenada, [Grenada National Reparations Commission statement](#), February 27, 2023; Caribbean Loop News, [GNRC wants conversation on Grenada becoming a Republic](#), February 28, 2023; Grenada Broadcasting Network, [Grenada a Republic](#), March 2, 2023.

¹⁷⁷⁶ Now Grenada, [Grenada National Reparations Commission statement](#), February 27, 2023; Caribbean Loop News, [GNRC wants conversation on Grenada becoming a Republic](#), February 28, 2023.

¹⁷⁷⁷ Now Grenada, [Grenada National Reparations Commission statement](#), February 27, 2023; Caribbean Loop News, [GNRC wants conversation on Grenada becoming a Republic](#), February 28, 2023.

¹⁷⁷⁸ Now Grenada, [Grenada National Reparations Commission statement](#), February 27, 2023; Caribbean Loop News, [GNRC wants conversation on Grenada becoming a Republic](#), February 28, 2023.

¹⁷⁷⁹ The New Today, [Dispute between BGWU and Republic Bank](#), July 1, 2023; The Grenadian Voice, [Impasse between Republic Bank and union nearing end](#), July 20, 2023.

¹⁷⁸⁰ The New Today, [Dispute between BGWU and Republic Bank](#), July 1, 2023; Grenada Broadcasting Network, [Republic Bank Workers Strike Day 2](#), July 3, 2023; The Grenadian Voice, [Impasse between Republic Bank and union nearing end](#), July 20, 2023.

783. In August 2023, this Office was informed of police actions to prevent crimes during the annual *Spicemas* carnival. According to public information released by the authorities, the country is reportedly experiencing an increase in the number of illegally carried firearms and knives, as evidenced by the confiscation of a significant number of them during random searches and an increase in the number of violent incidents.¹⁷⁸¹ Therefore, the police reportedly informed the public that, in view of upcoming public gatherings, and taking advantage of technological tools, they would carry out searches and arrests without warrants as necessary, as provided for in the police forces' code of procedure.¹⁷⁸²

784. Also in August, the Special Rapporteur learned of the government's decision to establish a security council to formulate strategies and policies to safeguard citizens.¹⁷⁸³ The government's decision was also prompted by the increase in violent episodes in Grenada during 2023, which is why it is seeking consultations with opposition sectors, non-governmental organizations, police forces, prison authorities, trade unions, and the private sector, among others, to develop a comprehensive security plan.¹⁷⁸⁴

785. This Office recalls that States must guarantee that the exercise of journalism and, in general, the exercise of the right to freedom of expression can be carried out freely, allowing the existence of informed societies.¹⁷⁸⁵

C. Freedom of expression and the fight against discrimination and exclusion

786. In February 2023, the Special Rapporteur was informed that dozens of members of the Trevelyan family from the United Kingdom have reportedly apologized to the people of Grenada for their ancestors' role in exploiting over a thousand slaves until 1834, the year of emancipation.¹⁷⁸⁶ In addition to a public and formal apology, the members of this family also decided to donate 100,000 pounds sterling as a form of reparation.¹⁷⁸⁷ Additionally, in the framework of an official ceremony, the family would have urged the British Prime Minister to "enter into meaningful negotiations with Caribbean governments to make appropriate reparations through CARICOM and bodies such as the Grenada National Reparations Commission."¹⁷⁸⁸ For his part, the chairman of this commission reportedly argued that the Trevelyan family's apology and commitment "should serve as a clear call to other families, institutions and governments to acknowledge their mistakes, apologize and commit to making reparations for the harm caused by their ancestors."¹⁷⁸⁹ Similarly, the Grenadian prime minister reportedly invited his UK counterpart to an "open, transparent, frank and dignified" dialogue to discuss reparations for Grenada and other CARICOM member states.¹⁷⁹⁰

¹⁷⁸¹ Now Grenada, [Gun-related criminal activities on increase](#), July 18, 2023; St. Vincent Times, [Grenada police report slight increase in violent crimes on the island](#), July 8, 2023; Caribbean Loop News, [Grenada police warns about offensive weapons as Carnival nears](#), July 26, 2023.

¹⁷⁸² Grenada Broadcasting Network, [No Warrant Needed](#), August 3, 2023; Now Grenada, [Technology in Police crime fighting arsenal during carnival](#), August 4, 2023.

¹⁷⁸³ Caribbean Loop News, August 4, 2023. [Grenada to establish national security council](#); The Gleaner, 7 August 2023. [Grenada to establish national security council](#).

¹⁷⁸⁴ Caribbean Loop News, [Grenada to establish national security council](#), August 4, 2023; The Gleaner, [Grenada to establish national security council](#), August 7, 2023.

¹⁷⁸⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, March 15, 2017, para. 152.

¹⁷⁸⁶ BBC News, [Wealthy UK family to apologise in Grenada over slave-owning past](#), February 5, 2023; The Guardian, [British slave owners' family makes public apology in Grenada](#), February 27, 2023.

¹⁷⁸⁷ BBC News, [Wealthy UK family to apologise in Grenada over slave-owning past](#), February 5, 2023; The Guardian, [British slave owners' family makes public apology in Grenada](#), February 27, 2023.

¹⁷⁸⁸ BBC News, [Wealthy UK family to apologise in Grenada over slave-owning past](#), February 5, 2023; The Guardian, [British slave owners' family makes public apology in Grenada](#), February 27, 2023.

¹⁷⁸⁹ Caribbean Loop News, [Trevelyan family apologizes for role in slave trade in Grenada](#), February 27, 2023; Daily Mail, [BBC journalist reads open letter publicly apologizing to the people of Grenada for her aristocratic family's ownership of more than a thousand slaves after vowing to donate £100,000 in reparations](#), February 28, 2023.

¹⁷⁹⁰ BBC News, [Wealthy UK family to apologise in Grenada over slave-owning past](#), February 5, 2023; The Guardian, [British slave owners' family makes public apology in Grenada](#), February 27, 2023.

787. The above initiative, according to public information, would have arisen from the work of Laura Trevelyan, a BBC correspondent, investigating her family's link to the slave trade in Grenada.¹⁷⁹¹ The journalist would have discovered her family's past as slave owners after a *University College London database* on British slaveholders in the Caribbean was published in 2013.¹⁷⁹² Although her family would never have set foot on the island, they would have benefited from more than a thousand slaves on five sugar cane plantations.¹⁷⁹³ Laura Trevelyan's research, including her visit to the plantations, conversations with historians and activists, and descendants of slaves, would have been captured in a documentary titled "Grenada: Confronting the Past," released in May 2022.¹⁷⁹⁴ In March 2023, the reporter would have resigned from the BBC after a 30-year career to join the "growing movement for restorative justice for the Caribbean."¹⁷⁹⁵

788. In August 2023, Grenada's prime minister reportedly reiterated his call for the British prime minister and King Charles III to issue a formal apology and pay reparations to his former colonials.¹⁷⁹⁶ According to public information, the United Kingdom has never apologized for slavery or committed to pay reparations despite requests from within and outside the country.¹⁷⁹⁷ In September, this Office learned that Caribbean states are preparing formal letters demanding that the British royal family apologize and make reparations for slavery, a request that would also be made to other institutions such as the Church of England.¹⁷⁹⁸ The Caribbean community, CARICOM, and its reparations commission, have outlined a ten-point plan for restorative justice that would include a full formal apology; a repatriation program; an indigenous peoples' development program; establishing cultural and research institutions to document crimes against humanity; participating in alleviating the public health crisis in the Caribbean; eliminating illiteracy; creating an African knowledge program; funding psychological rehabilitation; transferring technology; and canceling the public debt of Caribbean countries.¹⁷⁹⁹

789. On the first Monday of August 2023, as usual, the Office of the Special Rapporteur recorded the commemoration of Grenada's Emancipation Day with multiple cultural events.¹⁸⁰⁰ However, this Office also recorded the request by the Chairman of the *Grenada National Reparations Commission (GNRC)* for August 1 to be declared a national holiday, commemorating August 1, 1834, to "celebrate our African ancestors who, through various forms of resistance and revolt, liberated themselves from slavery."¹⁸⁰¹

790. The Office of the Special Rapporteur welcomes efforts to overcome historical legacies of discrimination, racism and colonialism, noting the link these have with the freedom of expression of groups of people historically discriminated against or marginalized.

791. In July 2023, the Special Rapporteur was informed that beginning with the new 2023-2024 school year, secondary school students in Grenada would receive mandatory national history classes.¹⁸⁰² The Ministry of Education reportedly developed a national history curriculum using the school text "Junior History

¹⁷⁹¹ BBC News, [Grenada: Confronting my family's slave-owning past](#), May 11, 2022.

¹⁷⁹² BBC News, [Grenada: Confronting my family's slave-owning past](#), May 11, 2022.

¹⁷⁹³ BBC News, [Grenada: Confronting my family's slave-owning past](#), May 11, 2022.

¹⁷⁹⁴ BBC News, [Grenada: Confronting my family's slave-owning past](#), May 11, 2022.

¹⁷⁹⁵ Laura Trevelyan's X account (@LauraTrevelyan), [March 14, 2023](#).

¹⁷⁹⁶ The Independent, [Grenada prime minister calls on Britain to pay slavery reparations: 'It's the decent thing to do'](#), 26 August 2023; Caribbean Loop News, [Grenada's Prime Minister Dickon Mitchell renews call for UK apology](#), 27 August 2023.

¹⁷⁹⁷ The Independent, [Grenada prime minister calls on Britain to pay slavery reparations: 'It's the decent thing to do'](#), 26 August 2023; Caribbean Loop News, [Grenada's Prime Minister Dickon Mitchell renews call for UK apology](#), 27 August 2023.

¹⁷⁹⁸ The Telegraph, [Caribbean nations to formally demand slavery reparations from Royal Family](#), September 9, 2023; The Guardian, [Caribbean nations set to demand royal family makes reparations for slave trade](#), September 10, 2023.

¹⁷⁹⁹ CARICOM, [CARICOM ten point plan for reparatory justice](#), undated.

¹⁸⁰⁰ Government Information Services of Grenada, [Emancipation Day Celebrations](#), August 8, 2023; Caribbean Broadcasting Network, [Celebrating Emancipation in Grenville](#), August 9, 2023.

¹⁸⁰¹ Now Grenada, [\[Press Release\] 1 August should be declared a National Public Holiday](#), August 7, 2023.

¹⁸⁰² Caribbean Loop News, [Grenadian History to be taught in schools from September](#), July 19, 2023; Government Information Services of Grenada, [Grenadian history to be taught in Schools from September](#), July 24, 2023.

of Grenada," by author, researcher and teacher Nicole Phillip-Dowe.¹⁸⁰³ The country's teachers have reportedly participated in training to deliver the new curriculum, according to available information.¹⁸⁰⁴

792. In September 2023, with the start of the new school year in the country, RELE received reports that the government was reportedly considering introducing an LGBTI curriculum in schools.¹⁸⁰⁵ The president of the teachers' union reportedly rejected this alleged proposal as contrary "to the morals and values" of Grenada.¹⁸⁰⁶ The education minister reportedly argued that such information would be false, explaining that "there is no curriculum to introduce sex education or to introduce a new LGBTQ curriculum" and that the government would remain "committed to the values of the Grenadian people."¹⁸⁰⁷

793. This Office recalls that censorship of debate on controversial issues will not attack the structural inequalities and prevalent prejudices affecting LGBTI people in the Americas. On the contrary, as a matter of principle, rather than restricting them, States should encourage preventive and educational mechanisms and promote broader and deeper debates as a measure to expose and combat negative stereotypes.¹⁸⁰⁸

794. In 2023, the Special Rapporteurship recorded the debut of a short film about Dominica's indigenous people, the *Kalinagos*, directed by Grenadian film producer Teddy D. Frederick and titled "New Land: The Kalinago Dream."¹⁸⁰⁹ The short film, an award-winner at at least two international festivals, would be an account of the lives of two members of the community: minister Cozier Frederick, the first cabinet representative of his tribe, as well as Lorenzo Sanford, the youngest elected chief of the Kalinago Territory.¹⁸¹⁰ The film would also depict their efforts to preserve their culture, identity and land against deforestation, industrialization and the threats of climate change.¹⁸¹¹

D. Freedom of expression and the Internet

795. In March 2023, the Office of the Special Rapporteur became aware of alleged calls from diplomatic authorities to update cybercrime laws in Grenada and other member countries of the *Regional Security System (RSS)*, a regional security alliance.¹⁸¹² The calls were allegedly prompted by what is perceived to be an increase in criminal activity through the use of information technology.¹⁸¹³

796. Therefore, the Office of the Special Rapporteur received information regarding the *Electronic Crimes Act*, which was approved in 2013 to criminalize various cyber crimes with the evolution of information

¹⁸⁰³ Caribbean Loop News, [Grenadian History to be taught in schools from September](#), July 19, 2023; Government Information Services of Grenada, [Grenadian history to be taught in Schools from September](#), July 24, 2023.

¹⁸⁰⁴ Caribbean Loop News, [Grenadian History to be taught in schools from September](#), July 19, 2023; Government Information Services of Grenada, [Grenadian history to be taught in Schools from September](#), July 24, 2023.

¹⁸⁰⁵ Grenada Broadcasting Network, [No to LGBTQ Curriculum in Schools](#), August 9, 2023; Caribbean Loop News, [Grenada: No plan to introduce LGBTQ curriculum in schools](#), September 1, 2023.

¹⁸⁰⁶ Caribbean Loop News, [Grenada: No plan to introduce LGBTQ curriculum in schools](#), September 1, 2023; The New Today, [Education Minister clears the air on the LGBT issue](#), September 2, 2023.

¹⁸⁰⁷ Caribbean Loop News, [Grenada: No plan to introduce LGBTQ curriculum in schools](#), September 1, 2023.

¹⁸⁰⁸ IACHR, Violence against LGBTI persons in the Americas, OAS/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015, para. 226.

¹⁸⁰⁹ Dominica News Online, [Grenadian film on Dominicas' Kalinagos wins international awards, gets rave reviews](#), March 17, 2023; WIC News, [Grenadian film on indigenous people of Dominica "New Land: The Kalinago Dream" wins international awards](#), March 20, 2023.

¹⁸¹⁰ Dominica News Online, [Grenadian film on Dominicas' Kalinagos wins international awards, gets rave reviews](#), March 17, 2023; WIC News, [Grenadian film on indigenous people of Dominica "New Land: The Kalinago Dream" wins international awards](#), March 20, 2023.

¹⁸¹¹ Dominica News Online, [Grenadian film on Dominicas' Kalinagos wins international awards, gets rave reviews](#), March 17, 2023; WIC News, [Grenadian film on indigenous people of Dominica "New Land: The Kalinago Dream" wins international awards](#), March 20, 2023.

¹⁸¹² Now Grenada, [Call for Grenada and RSS members to update cybercrime laws](#), March 22, 2023; Caribbean Today, [Regional Countries Urged to Modernize Their Cyber-Crime Laws](#), March 24, 2023.

¹⁸¹³ Now Grenada, [Call for Grenada and RSS members to update cybercrime laws](#), March 22, 2023; Caribbean Today, [Regional Countries Urged to Modernize Their Cyber-Crime Laws](#), March 24, 2023.

technologies.¹⁸¹⁴ According to public information, this law would have faced objections from the media, among others, for possibly reintroducing the criminalization of defamation and libel on digital platforms.¹⁸¹⁵ The parliament would have amended articles 6, 16 and 25 of the law, an action that would have been welcomed by freedom of speech advocates for dismantling possible paralyzing effects on public discourse.¹⁸¹⁶ Section 6 imposed up to one year in prison for sending by electronic means any information that is "grossly offensive" or known to be false but reproduced for the purpose of causing "annoyance," "insult" or "ill will."¹⁸¹⁷ Section 16 punished "electronic harassment"-defined as "intimidating, coercing or annoying another person using an electronic system"-with up to three years' imprisonment.¹⁸¹⁸ Section 25 allowed police to make warrantless arrests of any person "reasonably suspected of having committed an offense" under the act.¹⁸¹⁹

797. In May 2023, this Office received reports that a woman had been arrested under the electronic crimes law.¹⁸²⁰ According to the information received, this person was reportedly sentenced to 11 months and 7 days in jail for failing to pay a fine in 2020 after having shared an intimate video on social networks; this act was reportedly denounced by another woman.¹⁸²¹ The Electronic Crimes Act would define a violation of privacy as knowingly or without lawful excuse or justification, capturing, publishing or transmitting the image of a private area of a person without that person's consent, in circumstances that violate that person's privacy.¹⁸²²

798. This Office emphasizes that States have the obligation to respect and protect the right to privacy in the digital age and to adopt or adapt their legislation and practices to that effect, protecting all persons under their jurisdiction, including protection against possible arbitrary or abusive interference also with respect to third parties.¹⁸²³

799. In May 2023, RELE was informed of the approval of the *Grenada Data Protection Act (GDPA)*.¹⁸²⁴ This law would consist of eight parts and would seek to promote the protection of personal data processed by public and private bodies in the framework of commercial activities.¹⁸²⁵ In particular, the law would establish the new information commission, a regulatory body responsible for overseeing compliance with the *GDPA*, specifying that complaints could be filed with the commission for alleged breaches of the *GDPA*.¹⁸²⁶ The *GDPA* would also provide legal bases for the processing of personal data and sensitive personal data, as well as data protection principles, including a notice and choice principle, a retention principle, a security principle, and a disclosure principle.¹⁸²⁷ Likewise, the law would establish the rights of data subjects,

¹⁸¹⁴ICT Pulse, [Why is Grenada getting so much flak over its electronic crimes act?](#), July 3, 2023; International Press Institute, [Electronic Crimes Act in Grenada appears to recriminalise defamation](#), September 12, 2013.

¹⁸¹⁵ International Press Institute, [Grenada Parliament amends electronic defamation law](#), March 17, 2014; Committee to Protect Journalists, [Criminal Defamation Laws in The Caribbean](#), undated.

¹⁸¹⁶ International Press Institute, [Grenada Parliament amends electronic defamation law](#), March 17, 2014; Committee to Protect Journalists, [Criminal Defamation Laws in The Caribbean](#), undated.

¹⁸¹⁷ International Press Institute, [Grenada Parliament amends electronic defamation law](#), March 17, 2014; Committee to Protect Journalists, [Criminal Defamation Laws in The Caribbean](#), undated.

¹⁸¹⁸ International Press Institute, [Grenada Parliament amends electronic defamation law](#), March 17, 2014; Committee to Protect Journalists, [Criminal Defamation Laws in The Caribbean](#), undated.

¹⁸¹⁹ International Press Institute, [Grenada Parliament amends electronic defamation law](#), March 17, 2014; Committee to Protect Journalists, [Criminal Defamation Laws in The Caribbean](#), undated.

¹⁸²⁰ Now Grenada, [Woman imprisoned under Electronic Crimes Act](#), May 9, 2023; Caribbean Loop News, [Woman jailed in Grenada for sharing sexual-related video online](#), May 9, 2023.

¹⁸²¹ Now Grenada, [Woman imprisoned under Electronic Crimes Act](#), May 9, 2023; Caribbean Loop News, [Woman jailed in Grenada for sharing sexual-related video online](#), May 9, 2023.

¹⁸²² Now Grenada, [Woman imprisoned under Electronic Crimes Act](#), May 9, 2023; Caribbean Loop News, [Woman jailed in Grenada for sharing sexual-related video online](#), May 9, 2023.

¹⁸²³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a Free, Open and Inclusive Internet, OEA/Ser.L/V/II. IACHR/RELE/INF.17/17, March 2017, para. 131.

¹⁸²⁴ Grenada Government Gazette, [Vol. 141, No. 23](#), May 10, 2023.

¹⁸²⁵ Bartlett Morgan, [Grenada Passes Data Privacy Law](#), June 24, 2023; Data Guidance, [Data protection law published in Official Gazette](#), June 26, 2023.

¹⁸²⁶ Bartlett Morgan, [Grenada Passes Data Privacy Law](#), June 24, 2023; Data Guidance, [Data protection law published in Official Gazette](#), June 26, 2023.

¹⁸²⁷ Bartlett Morgan, [Grenada Passes Data Privacy Law](#), June 24, 2023; Data Guidance, [Data protection law published in Official Gazette](#), June 26, 2023.

including the right of access and the right to rectify personal data.¹⁸²⁸ Finally, the law would specify the fines and prison sentences to which individuals, entities and corporations that fail to comply with the established provisions would be subject.¹⁸²⁹

800. However, the Rapporteurship received reports indicating that personal data processed solely for journalistic, literary or artistic purposes will be exempt from some articles of the *GDPA*, specifically the General Principle, the Principle of Notice and Choice, the Principle of Disclosure, the Principle of Retention, the Principle of Data Integrity, the Principle of Access and other related provisions of the law.¹⁸³⁰ The foregoing, according to the information available, as long as the purpose of the data processing is the publication, by a private individual, of journalistic, literary or artistic material, and the user of the data reasonably believes that the publication would be in the public interest.¹⁸³¹

801. According to reports received by this Office, the data protection law [*Grenada Data Protection Act (GDPA)*] was reportedly controversial by opposition sectors for not having been consulted with interested parties, such as the religious community, the bar association, labor unions, business associations and civil society.¹⁸³² In addition, opponents of the original bill reportedly expressed concern about the alleged power that this legislation would give the police to inspect property and equipment, as well as to confiscate documents, in the event that any provision of the law is violated.¹⁸³³ For its part, the government party has defended the approval of the law for the implementation of two millionaire projects of digitalization of government services and digital economy.¹⁸³⁴

802. The Office of the Special Rapporteur recalls that given the impact on the privacy of individuals, States must establish personal data protection regimes that regulate the storage, processing, use and transfer of personal data.¹⁸³⁵ In this regard, this Office stresses that States are obliged to prohibit the use of personal data for purposes contrary to human rights treaties and to establish rights to information, correction and - if necessary and proportionate - deletion of data, as well as to create effective oversight mechanisms.¹⁸³⁶

803. In 2023, the Office of the Special Rapporteur learned of at least one case of identity theft on social networks. According to a statement from the *Grenada National Cyber Security Incident Response Team (CSIRT Gnd)*, a fake Facebook profile of the Governor General of Grenada was created and used for scams; according to the authorities, this would constitute a cybercrime known as *phishing*.¹⁸³⁷

804. Likewise, this year RELE learned of progress in closing the digital divide in Grenada. Within the framework of the week of information and communication technologies, this Office learned that conferences, talks and training sessions had been held to accelerate the country's digital transformation.¹⁸³⁸ In particular, the *Caribbean Network Operators Group (CaribNOG) (CaribNOG)*, using laptops donated by the *Internet Corporation for Assigned Names and Numbers (ICANN)*, reportedly organized a workshop on how to

¹⁸²⁸ Bartlett Morgan, [Grenada Passes Data Privacy Law](#), June 24, 2023; Data Guidance, [Data protection law published in Official Gazette](#), June 26, 2023.

¹⁸²⁹ Bartlett Morgan, [Grenada Passes Data Privacy Law](#), June 24, 2023; Data Guidance, [Data protection law published in Official Gazette](#), June 26, 2023.

¹⁸³⁰ Now Grenada, [Deputy GG assents 2023 Data Protection Bill](#), May 11, 2023.

¹⁸³¹ Now Grenada, [Deputy GG assents 2023 Data Protection Bill](#), May 11, 2023.

¹⁸³² Caribbean Loop News, [NNP calls for withdrawal of controversial Data Protection legislation](#), March 13, 2023; The New Today, [The controversial Data Protection Bill](#), March 25, 2023.

¹⁸³³ Now Grenada, [Law provides for citizens to explain possession of certain documents](#), March 7, 2023; Grenada Broadcasting Network, [Resistance To Data Protection Bill](#), March 13, 2023.

¹⁸³⁴ Grenada Today, [Data Protection Bill required to implement projects](#), March 14, 2023; Caribbean National Weekly, [Grenada's Government defends controversial Data Protection Bill](#), March 15, 2023.

¹⁸³⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 138.

¹⁸³⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 139.

¹⁸³⁷ The Barnacle, [\[Press Release\] CSIRT Gnd Alert - Fake Facebook Profile Purporting to Belong to Governor General. Dame Cécile La Grenade](#), January 4, 2023.

¹⁸³⁸ The New Today, [The "big" Grenada digital transformation program](#), January 28, 2023; Now Grenada, [PM urges acceleration of Digital Transformation Agenda](#), March 16, 2023.

build an Internet *Service Provider (ISP)* network for more than 100 students representing 6 tertiary, secondary and technical schools.¹⁸³⁹ In late March, this Office also learned that the government and the *Grenada National Training Agency (GNTA)* had signed a memorandum of understanding to formalize *GNTA's* role as the implementing agency for the *Caribbean Digital Transformation Project (CARDTP)* in the country.¹⁸⁴⁰ This project would support the digitization of the economy through the digital literacy of public officials, students and the general public.¹⁸⁴¹ In June, the Rapporteurship was informed of the launch of the *JUMP* initiative which, in partnership between the government, the telecommunications company *FLOW*, and the *National Telecommunications Regulatory Commission*, would offer high-speed Internet connectivity, compatible devices, and digital literacy training to nearly 1,500 households for US\$20 per month.¹⁸⁴²

805. This Office reiterates that it is important for the authorities to make efforts to progressively close the digital divide, which is widely recognized by the States, whether based on wealth, gender, geographic demarcations or social groups, between and within States.¹⁸⁴³ Likewise, this Office recalls that in accordance with the principle of universal access, i.e. with the rights of equality and non-discrimination, regulatory mechanisms should be established, including pricing regimes, universal service requirements and licensing agreements, to promote broad access to the Internet, including vulnerable sectors and the most remote rural areas.¹⁸⁴⁴

¹⁸³⁹ Government Information Service of Grenada, [Opening Ceremony of Grenada ICT Week](#), February 28, 2023; Now Grenada, [PM urges acceleration of Digital Transformation Agenda](#), March 16, 2023.

¹⁸⁴⁰ Grenada Now, [Government and GNTA sign MoU](#), March 29, 2023; Grenada Broadcasting Network, [MoU signed for transformation project](#), March 30, 2023.

¹⁸⁴¹ Grenada Now, [Government and GNTA sign MoU](#), March 29, 2023; Grenada Broadcasting Network, [MoU signed for transformation project](#), March 30, 2023.

¹⁸⁴² FLOW, [Bridging the Digital Divide in Grenada](#), undated; Now Grenada, [FLOW's 'JUMP' initiative to bridge Grenada's digital divide](#), June 14, 2023.

¹⁸⁴³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 39.

¹⁸⁴⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 47.

GUATEMALA

806. In 2023, the Office of the Special Rapporteur has observed a notable deterioration in the guarantees for the exercise of freedom of expression and freedom of the press in Guatemala, which is linked to the electoral process taking place in the country. Journalists and civil society organizations have repeatedly denounced acts of violence, in addition to the instrumentalization of criminal mechanisms as a form of intimidation and silencing of critical voices. This year, the IACHR and its Rapporteurship expressed serious concern over the sentencing of the president and founder of *El Periódico*, José Rubén Zamora, to 6 years in prison for money laundering, and called on the State to respect the right to freedom of expression, and to refrain from using punitive power to intimidate people who are critical of the Government. Likewise, RELE has continued to receive information about online attacks against journalists, human rights defenders and other figures who participate in the public debate, through the so-called "netcenters", anonymous accounts that have been used to discredit the work of people who denounce corruption. In this context, the Inter American Press Association (IAPA) has placed the country in the zone of "high risk" for freedom of expression and the practice of journalism in Latin America in its Chapultepec Index¹⁸⁴⁵. Finally, in the area of community radio broadcasting, challenges persist, mainly related to the lack of an adequate regulatory framework that fully and effectively guarantees the right to freedom of expression of indigenous peoples in Guatemala.

A. Journalism and democracy

807. The Rapporteurship has continued to monitor attacks against journalists, including murders, assaults, threats, obstruction of information sources, judicial harassment and economic pressure on the media, which has forced many press professionals to self-censorship and even exile for fear of reprisals. This scenario has had a negative impact on the right to freedom of expression, which is particularly serious at a time like the electoral period, where the role of the press is crucial to keep Guatemalan society informed.

808. Violence and the lack of diligent investigations of crimes committed against journalists continue to be a pending challenge to guarantee the full exercise of freedom of expression in Guatemala. On March 18, 2023, Eduardo Fernando Mendizábal Gálvez, a local press journalist and creator of the website *Visor Villa Canales*, was murdered. The reporter was attacked by unknown subjects who shot him with a firearm when Mendizábal was driving in his car, in the second alley of the village Colmenas in the municipality of Villa Canales, on the outskirts of Guatemala City¹⁸⁴⁶. RELE condemned the murder and called on the State to investigate the facts thoroughly and independently, and punish those responsible¹⁸⁴⁷. The State of Guatemala informed that it is carrying out the corresponding criminal investigation to contribute to the clarification of the facts and identification of those responsible for the crime against the aforementioned journalist¹⁸⁴⁸.

809. Also on August 11, journalists Edin Alonso and Hugo Gutiérrez were murdered in the department of Retalhuleu, southwest of Guatemala City, by unknown persons on a motorcycle¹⁸⁴⁹. The events occurred after Alonso and Gutiérrez were covering an alleged case of femicide. According to reports from civil society organizations, the journalists were the administrators of the Facebook page "Noticias Caballo Blanco", dedicated to reporting on issues of general interest to their community¹⁸⁵⁰. RELE condemned the murder of the journalists and called on the authorities to investigate the facts in a complete, effective and impartial

¹⁸⁴⁵ Voice of America, January 6, 2023, [Guatemala: IAPA warns of setbacks in freedom of expression](#).

¹⁸⁴⁶ Swissinfo, March 20, 2023, [Asesinan a periodista comunitario en el centro de Guatemala](#); Soy 502, March 19, 2023, [Cruel asesinato de periodista digital en Guatemala](#).

¹⁸⁴⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, June 1, 2023, [La RELE repudia los asesinatos de periodistas en la región y llama a los Estados a redoblar esfuerzos para prevenir y proteger a la prensa](#), press release R106/23.

¹⁸⁴⁸ Information sent by the State of Guatemala in response to the draft press release "RELE repudiates the murders of journalists in the region and calls on States to redouble efforts to prevent and protect the press", OAS-M4-NV-144-2023, Note from the Presidential Commission for Peace and Human Rights, May 31, 2023.

¹⁸⁴⁹ Deutsche Welle (DW), August 13, 2023, [Guatemala: two journalists shot dead in Retalhuleu](#); Prensa Comunitaria, August 12, 2023, [Asesinan a dos periodistas en Retalhuleu](#);

¹⁸⁵⁰ Fundamedios, August 14, 2023, [Two journalists were murdered in Guatemala](#).

manner, and to find those responsible¹⁸⁵¹. The State of Guatemala informed that it initiated the corresponding investigations in order to elucidate the facts and identify those responsible. In particular, it specified that the investigation into the murders of Alonso and Gutiérrez is being conducted by the District Prosecutor's Office of Retalhuleu¹⁸⁵².

810. In addition, the State of Guatemala also reported that it has implemented different measures that guarantee special attention to cases of harm to journalists, such as differentiated attention in the Public Prosecutor's Office through the Prosecutor's Office for Crimes against Journalists and institutional mechanisms to protect journalists¹⁸⁵³.

811. On December 21, unknown individuals on a motorcycle shot journalist and broadcaster César Augusto Leiva Pimentel with a firearm in the vicinity of the Villa Hermosa neighborhood, Jutiapa department, as he was on his way to work¹⁸⁵⁴. The journalist's body was found dead inside the vehicle and had gunshot wounds in different parts of his body, according to local press media. Leiva worked for La Red radio station and had recently been elected president of the Association of Jutiapa Radio Broadcasters (ALJ). According to public information, some of the journalist's work items were found at the crime scene, including his cell phone, a computer CPU and two digital cameras¹⁸⁵⁵.

812. Also on the same day, journalist Gleymer Renan Villeda was the victim of an armed attack while driving his vehicle in the village of Navojoa, municipality of Morales, department of Izabal. Villeda managed the news website Impacto Izabal¹⁸⁵⁶.

813. The State of Guatemala informed that in both cases, proceedings have been carried out that include testimonial statements, expert reports, searches, inspection and house searches, among others. In the case of the murder of Gleymer Villeda, it indicated that there are two persons accused¹⁸⁵⁷.

814. This Office stresses that lethal violence against journalists is the most extreme form of censorship, and compromises the rights to personal integrity, to life, and to freedom of thought and expression¹⁸⁵⁸. It is crucial that States fulfill their obligation to investigate in order to find those responsible for these crimes, to bring justice in the specific case, to avoid its repetition and to avoid the inhibiting effect that

¹⁸⁵¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, August 24, 2023, [RELE condemns violence against journalists in Guatemala and urges authorities to investigate the facts effectively and find those responsible](#), Press Release No. 193/23.

¹⁸⁵² Information sent by the State of Guatemala in response to the draft press release "RELE condemns violence against journalists in Guatemala and urges the authorities to investigate the facts effectively and find those responsible", OEA-M4-NV-273-2023, Note from the Presidential Commission for Peace and Human Rights, August 23, 2023.

¹⁸⁵³ Information sent by the State of Guatemala in response to the draft press release "RELE condemns violence against journalists in Guatemala and urges the authorities to investigate the facts effectively and find those responsible", OEA-M4-NV-273-2023, Note from the Presidential Commission for Peace and Human Rights, August 23, 2023.

¹⁸⁵⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, [The Rapporteurship condemns the murder of two journalists in Guatemala and calls on the State to investigate the facts with due diligence](#), Press Release R010/24, January 5, 2024; Prensa Libre, [Condenan asesinato de dos periodistas en Jutiapa e Izabal y esto detalla el MP sobre uno de los casos](#), December 21, 2023; Unesco, [La Directora General de la UNESCO condena los asesinatos de los periodistas Gleymer Renán Villeda y César Augusto Leiva Pimentel en Guatemala](#), January 10, 2024.

¹⁸⁵⁵ Sociedad Interamericana de Prensa (SIP), [La SIP, consternada por asesinatos de dos periodistas en Guatemala](#), December 22, 2023; Prensa Libre, [Condenan asesinato de dos periodistas en Jutiapa e Izabal y esto detalla el MP sobre uno de los casos](#), December 21, 2023; Unesco, [La Directora General de la UNESCO condena los asesinatos de los periodistas Gleymer Renán Villeda y César Augusto Leiva Pimentel en Guatemala](#), January 10, 2024.

¹⁸⁵⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, [The Rapporteurship condemns the murder of two journalists in Guatemala and calls on the State to investigate the facts with due diligence](#), Press Release R010/24, January 5, 2024; Sociedad Interamericana de Prensa (SIP), [La SIP, consternada por asesinatos de dos periodistas en Guatemala](#), December 22, 2023; Unesco, [La Directora General de la UNESCO condena los asesinatos de los periodistas Gleymer Renán Villeda y César Augusto Leiva Pimentel en Guatemala](#), January 10, 2024.

¹⁸⁵⁷ Information sent by the State of Guatemala in response to the draft press release "La Relatoría condena el asesinato de dos periodistas en Guatemala y llama al Estado a investigar los hechos con debida diligencia", OEA-M4-NV-002-2024, Note from the Presidential Commission for Peace and Human Rights, January 4, 2024.

¹⁸⁵⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, March 15, 2017, para. 147.

violence causes on communicators¹⁸⁵⁹. The lack of due diligence in the investigation, prosecution and punishment of all those responsible can generate an additional violation of the rights to access to justice and judicial guarantees of the affected persons and their families¹⁸⁶⁰.

815. In 2023, armed attacks, physical aggressions, threats and intimidations against journalists were also reported. In particular, a situation of vulnerability and a climate of persecution is reported in territories far from the capital, where the problem of violence against the press is rooted in political and economic interests, and the settlement of mining industries with a lot of power¹⁸⁶¹. Civil society organizations allege that there has been an increase in aggressions with respect to previous years, and that this is related to the electoral period¹⁸⁶². According to data from the Observatory of Journalists of Guatemala, in the first seven months of the year there were 120 cases of attacks on journalists¹⁸⁶³.

816. On February 8, announcers Óscar Geovany Colucho and Óscar José León, of *Radio La Peligrosa*, and Óscar Edwin Sosa, of *Radio Tropicana*, were the target of an armed attack while they were traveling in a vehicle in the city of Escuintla. According to public information, they were admitted to the Hospital del Instituto Guatemalteco de Seguridad Social with gunshot wounds. The following day, the Guatemalan National Police (PNC) reported that they had located the firearm allegedly used in the attack and had referred a minor to court for his alleged involvement in the attack¹⁸⁶⁴.

817. Journalist Diego Petzey Quiejú, correspondent of *Prensa Comunitaria* in Sololá, was attacked with a sharp object on April 24 in Santiago Atitlán, while he was with family members. The Mayan Tz'utujil journalist is also secretary of the Comité de Playa del Cantón Panaj, a community organization that seeks to safeguard and protect the shores of Lake Atitlán, in Santiago Atitlán¹⁸⁶⁵.

818. *Prensa Comunitaria* also reported that journalist Santiago Botón Simaj, correspondent of *TeleSur*, has been the target of a series of intimidating actions on social networks, including the creation of false social network accounts with his personal data and photographs. The journalist denounced that reliable sources warned him about a plan to make an attempt on his life. The attacks reportedly began after a report he did on alleged irregularities in the salary increase of the municipal mayor of Ixcán¹⁸⁶⁶.

819. RELE also received information about aggressions against Laura Rojas, journalist and member of the Coordinating Committee of Communities Affected by TRECSA, after she made a live broadcast about allegedly illegal constructions by the company in Santa Lucía Milpas Altas¹⁸⁶⁷. According to the information received, the journalist reportedly recorded facts linking the company to a group of hooded men who were in the area intimidating local inhabitants and human rights defenders who oppose the company's operations in

¹⁸⁵⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, March 15, 2017, para. 31.

¹⁸⁶⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, March 15, 2017, para. 147.

¹⁸⁶¹ Freedom House, Free Press Unlimited, Reporters without Borders (RSF), Article 19, Fundación para la Libertad de Prensa (FLIP), Committee to Protect Journalists (CPJ), Fundamedios, Protection International Mesoamérica, IFEX-ALC, Voces del Sur, June 2023, [Informe de hallazgos de la misión internacional sobre libertad de prensa y de expresión en Guatemala](#); Information contributed by journalists and civil society organizations in 2023. Archive of the Office of the Special Rapporteur.

¹⁸⁶² Information sent by Red Rompe el Miedo, Amenazas al derecho de libertad de expresión e incremento de ataques contra periodistas y comunicadores sociales en Guatemala en el contexto de las elecciones generales del país, August 10, 2023. Archive of the IACHR and the Office of the Special Rapporteur.

¹⁸⁶³ Observatorio de Periodistas de Guatemala, General elections increase actions against journalists. Agresiones durante primeros 7 meses de 2023 ascienden a 120, August 6, 2023. Information sent by Red Rompe el Miedo, August 10, 2023. Archive of the IACHR and the Office of the Special Rapporteur.

¹⁸⁶⁴ PNC de Guatemala Twitter account (@PNCdeGuatemala), [February 9, 2023](#); Soy 502, February 9, 2023, [Detienen a presunto implicado en el ataque a locutores en Escuintla](#).

¹⁸⁶⁵ Prensa Comunitaria, April 24, 2023, [Journalist and community authority Tz'utujil was attacked in Santiago Atitlán](#); Twitter account of the journalists' collective No Nos Callarán (@NoNosCallaranGT), [March 25, 2023](#).

¹⁸⁶⁶ Prensa Comunitaria, April 28, 2023, [Journalist Santiago Botón denounces defamations and death threats](#).

¹⁸⁶⁷ Guatemalan PEN Center, [El Centro PEN Guatemala condena agresión contra comunicadora comunitaria en Santa Lucía Milpas Altas](#), August 10, 2023; Observatorio de Derechos Humanos de los Pueblos / Facebook, [July 25, 2023](#).

Sacatepequez¹⁸⁶⁸. The PEN Guatemala center denounced that these events "provoke a climate of animosity against the press that impedes the professional performance of communicators"¹⁸⁶⁹.

820. Likewise, according to public reports, the director of the local news program InfoXpress, Mardoqueo Agustín Guzmán Cuchil, was allegedly attacked on May 19 by supporters of the mayor of Nebaj, Quiché department, moments after the journalist asked the official about the alleged sale of municipal land to a Central American energy transportation company¹⁸⁷⁰.

821. In addition, this Office received reports of intimidation against community journalist Juan Bautista Xol in El Estor, Izabal department, by police officers¹⁸⁷¹. On March 22, the journalist was returning home when he was followed by a patrol car of the National Civil Police (PNC). When he arrived at the door of his house, the agents surrounded him and threatened him, alleging that he had a complaint. The journalist demanded an explanation and showed them his accreditation as a member of the Community Development Committee (COCODE). The agents reportedly left without notifying him of any complaint against him. According to Xol, in the previous weeks he had noticed a PNC patrol following him suspiciously around his house¹⁸⁷².

822. During 2023, the journalist was the target of other acts of intimidation, including visits by unknown persons after publishing a report profiling a pre-candidate for municipal mayor for the National Unity of Hope (UNE) party. According to public information, the journalist has been documenting complaints from former workers of mining companies in Guatemala¹⁸⁷³. In 2021, the Rapporteurship warned about acts of intimidation and criminalization against Juan Bautista Xol and other journalists from El Estor, who were targets of aggressions, threats and inspections of their homes by police officers due to their reporting on demonstrations by the Q'eqchi' population in opposition to mining exploitation, and the use of public force to disperse them¹⁸⁷⁴.

823. On the other hand, the Special Rapporteurship learned of the start of the trial against three National Police officers and a former commissioner, accused of abuse of authority towards journalist Norma Sancir, for events that took place in 2014¹⁸⁷⁵. In September of that year, the journalist was detained and imprisoned for covering a demonstration of the Maya Ch'orti' indigenous communities at the Jupilingo Bridge, in Camotán, Chiquimula¹⁸⁷⁶. Despite having identified herself as a journalist with her credential and vest, Norma Sancir was arrested and prosecuted for assault, public disorder and assault on authority, and spent five days in Los Jocotes prison, in Zacapa, until she was released for lack of evidence¹⁸⁷⁷. The judicial process was extended for more than nine years, due to alleged obstacles put forward by the legal defense of the police agents and violations of due process attributable to the judicial body¹⁸⁷⁸. The legal representatives of the journalist, from the Center for Legal Action on Human Rights (CALDH), have denounced "obstructionist and malicious

¹⁸⁶⁸ Guatemalan PEN Center, [El Centro PEN Guatemala condena agresión contra comunicadora comunitaria en Santa Lucía Milpas Altas](#), August 10, 2023; Observatorio de Derechos Humanos de los Pueblos / Facebook, [July 25, 2023](#).

¹⁸⁶⁹ Observatorio de Derechos Humanos de los Pueblos / Facebook, [July 25, 2023](#).

¹⁸⁷⁰ X account of the journalists' collective No Nos Callarán (@NoNosCallaranGT), [May 19, 2023](#); Twitter account of Red Rompe el Miedo Guatemala (@RompeElMiedoGt), [May 19, 2023](#).

¹⁸⁷¹ X account of the journalists' collective No Nos Callarán, [March 25, 2023](#).

¹⁸⁷² X account of the journalists' collective No Nos Callarán, [March 25, 2023](#).

¹⁸⁷³ Prensa Comunitaria, March 24, 2023, [Community journalist under harassment and risk in El Estor](#).

¹⁸⁷⁴ IACHR, October 29, 2021, Office of the Special Rapporteur for Freedom of Expression, [La Relatoría Especial llama al Estado de Guatemala a respetar y garantizar la labor periodística conforme a estándares internacionales de derechos humanos](#), press release R286/21.

¹⁸⁷⁵ Prensa Comunitaria, May 15, 2023, [Inicia juicio contra policías que detuvieron ilegalmente a la periodista Norma Sancir](#); PBI, undated, [PBI-Guatemala accompanies Maya Kaqchikel journalist Norma Sancir in court on May 12](#).

¹⁸⁷⁶ La Cuerda, June 30, 2023, [A hope for press freedom in the country. Beginning of trial for journalist Norma Sancir](#); Ruda, April 10, 2023, [Judge dismisses an appeal seeking to postpone the case of journalist Norma Sancir](#).

¹⁸⁷⁷ Agencia Ocote, June 13, 2023, [Suspended twice: the trial against the aggressors of journalist Norma Sancir](#).

¹⁸⁷⁸ LatAm Journalism Review, July 11, 2022, [Justice for Guatemala's journalists: prosecutor's office files more complaints than it takes to trial](#); Plaza Pública, July 24, 2022, [Justice for Guatemala's journalists: prosecutor's office files more complaints than it takes to trial](#).

attitudes" during the process¹⁸⁷⁹. Currently, the trial is taking place in the Criminal Sentencing, Drug Trafficking and Environmental Crimes Court of Chiquimula.

824. In this regard, the State of Guatemala reported that, according to data from the Public Prosecutor's Office, from January to July 2023, it received 16 complaints of threats, 5 complaints of intimidation, and 1 complaint of attacks against journalists. It also stated that there were no reports of attacks on radio or media, stigmatizing statements against journalists or censorship of journalistic material¹⁸⁸⁰.

825. According to Principle 9 of the Declaration of Principles on Freedom of Expression of the IACHR, "[t]he murder, kidnapping, intimidation, threats to social communicators, as well as the material destruction of the media, violate the fundamental rights of individuals and severely restrict freedom of expression. It is the duty of States to prevent and investigate these acts, punish the perpetrators and ensure adequate reparation for the victims"¹⁸⁸¹. This obligation acquires special relevance during election periods¹⁸⁸².

826. The Rapporteurship emphasizes that acts of violence against journalists have a triple effect: they violate the right of the victims to express and disseminate their ideas, opinions and information; they generate a chilling and silencing effect on their peers; and they violate the rights of individuals and societies in general to seek and receive information and ideas of any kind. The consequences for democracy, which depends on a free, open and dynamic exchange of ideas and information, are particularly serious¹⁸⁸³. An independent and critical press is a fundamental element for the validity of the other freedoms that make up the democratic system and the rule of law¹⁸⁸⁴. For this reason, the authorities should strongly condemn violence against journalists and encourage the competent authorities to act with due diligence and speed in clarifying the facts and punishing those responsible¹⁸⁸⁵.

827. On the other hand, the IACHR and its Office of the Special Rapporteur have followed with particular concern the complaints about the improper use of criminal law in Guatemala against journalists who investigate government irregularities and criticize government administration. The information gathered shows that these actions have sought to limit freedom of the press by intimidating critical voices.

828. On June 14, the Eighth Criminal Sentencing Court sentenced the president and founder of *El Periódico*, José Rubén Zamora, to 6 years in prison for the crime of money laundering¹⁸⁸⁶. *El Periódico* has been one of the most prominent media outlets in the country for exposing cases of corruption and abuses of power in recent years¹⁸⁸⁷. The IACHR and its RELE expressed their grave concern in this regard and called on the State to respect the right to freedom of expression and of the press, and to refrain from using punitive power to intimidate people who speak out critically of the Government¹⁸⁸⁸.

829. The Commission and the Rapporteurship received information on violations of due process guarantees in the case against Zamora, such as the prolonged use of pretrial detention and serious limitations

¹⁸⁷⁹ The Rope, May 22, 2023, [Suspension of Norma Sancir's trial: Obstacles in the search for justice for a committed journalist](#).

¹⁸⁸⁰ Information sent by the State of Guatemala in response to RELE's request for information in the framework of the preparation of the Annual Report, OAS-M4-NV-288-2023, Note from the Presidential Commission for Peace and Human Rights, September 6, 2023, p.3.

¹⁸⁸¹ IACHR, Declaration of Principles on Freedom of Expression, 2000.

¹⁸⁸² UN, OSCE, OAS, ACHPR, [Joint Declaration on Media and Elections](#), 2009.

¹⁸⁸³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Violence against journalists and media workers: Inter-American standards and national practices on prevention, protection and the pursuit of justice. 2013. OEA/Ser.L/V/II. IACHR/RELE/INF.12/13, para. 287.

¹⁸⁸⁴ IACHR, Report on the Situation of Human Rights in Mexico, OEA/Ser.L/V/II.100, Doc 7 rev.1, September 24, 1998, para. 649.

¹⁸⁸⁵ IACHR, Report No. 7/16, Case 12.213. Merits (Location). Aristeu Guida da Silva and family. Brazil. April 13, 2016, para. 138.

¹⁸⁸⁶ CNN en Español, June 14, 2023, [Condenan a 6 años de cárcel al periodista José Rubén Zamora por lavado de dinero en Guatemala, y lo absuelven de otros 2 cargos](#); AP, June 14, 2023, [Guatemala: condenan a seis años de prisión a periodista José Rubén Zamora por lavado](#).

¹⁸⁸⁷ NPR, June 14, 2023, [A court in Guatemala has sentenced a prominent journalist to 6 years in jail](#).

¹⁸⁸⁸ IACHR, June 21, 2023, [IACHR and RELE express concern over the conviction of José Rubén Zamora in Guatemala, Press Release No. 131/23](#).

to the right to defense¹⁸⁸⁹. As indicated, in a period of nine months, Zamora had to change legal representation on several occasions, having up to ten different defense attorneys due to acts of harassment, harassment, and even the filing of criminal complaints against him by those who represented him¹⁸⁹⁰. In addition, during the hearing to offer evidence, the Court allegedly did not admit the evidence presented by the journalist's defense, among other facts¹⁸⁹¹.

830. In addition to the present case, José Rubén Zamora faces two other criminal proceedings, one of them for the alleged crime of conspiracy to obstruct justice and the other for alleged continuous use of false documents¹⁸⁹². It should be noted that journalist Zamora has been the beneficiary of precautionary measures from the IACHR since 2003 for reasons related to his journalistic work and the exercise of freedom of expression in Guatemala¹⁸⁹³.

831. Various international organizations dedicated to the defense of press freedom, such as the Committee to Protect Journalists (CPJ), PEN International and the International Center for Journalists (ICFJ) have considered these actions as judicial persecution for purposes of intimidation and harassment, and have called on the authorities to immediately release the journalist¹⁸⁹⁴. Also, the former Special Rapporteurs of the UN and the IACHR described Zamora's conviction as a "very serious violation of the right to an independent and free press"¹⁸⁹⁵.

832. The State of Guatemala assured that in Guatemala there is respect for freedom of expression and at no time has the criminal system been used against journalists or media outlets because of their journalistic work¹⁸⁹⁶. In this regard, it indicated that the conviction for money laundering against José Rubén Zamora is not related to the right to freedom of expression, but rather to a citizen facing justice for illegal acts proven in a trial¹⁸⁹⁷. In addition, the State emphasized that the sentence against Zamora is of first instance and therefore it is not final and there are still appeals available.¹⁸⁹⁸

¹⁸⁸⁹ El País, June 14, 2023, [Trial against José Rubén Zamora in Guatemala: the final speech that the court did not want to hear](#); El Faro, May 14, 2023, [Nine months of the trial against Zamora: The replacement of eight defenders and the closure of elPeriódico](#); Gabo Foundation, May 3, 2023, [Journalist José Rubén Zamora at the start of his trial: montages, harassment and criminalization](#); Gatopardo, August 14, 2023, [A man against the system: the legal battle of José Rubén Zamora in Guatemala](#).

¹⁸⁹⁰ El Faro, May 23, 2023, [The final stretch of the trial: a deteriorated Zamora, a tenth defense attorney and new accusations](#).

¹⁸⁹¹ Swissinfo, 22 December 2022, [Guatemala judge rejects evidence in defense of journalist Jose R. Zamora](#); Prensa Comunitaria, 24 December 2022, [Judge Orellana rejects evidence in defense of journalist Jose Ruben Zamora](#).

¹⁸⁹² El País, 28 February 2023, [Un juzgado abre un segundo proceso penal contra el presidente de 'elPeriódico' de Guatemala, José Rubén Zamora](#); Prensa Libre, 28 February 2023, [Jose Rubén Zamora es ligado a proceso por conspiración para la obstrucción de la justicia](#); Soy 502, 15 June 2023, [Tercer caso contra José Rubén Zamora: MP accuses him of falsifying documents](#); Agencia EFE, June 12, 2023, [Guatemalan journalist Rubén Zamora faces third trial against him since his arrest in 2022](#).

¹⁸⁹³ IACHR, Precautionary Measure MC-551-03, July 24, 2003.

¹⁸⁹⁴ International Press Institute, [Guatemala: IPI reiterates call for release of journalist José Rubén Zamora](#); CPJ, July 30, 2023, [CPJ calls for immediate release of Guatemala journalist José Rubén Zamora](#); CPJ, June 14, 2023, [Guatemalan journalist José Rubén Zamora convicted of money laundering, sentenced to 6 years in prison](#); ICFJ, June 23, 2023, [Open Letter to José Rubén Zamora. Imprisoned in Guatemala, from Fellow ICFJ Knight Award Winners](#).

¹⁸⁹⁵ Fundamedios, June 28, 2023, [PUBLIC STATEMENT ON GUATEMALA: Ex-Rapporteurs for Freedom of Expression of the American Continent, UN and OAS demand the release of José Rubén Zamora](#).

¹⁸⁹⁶ Information sent by the State of Guatemala in response to the draft press release "CIDH y RELE manifiestan grave preocupación por la condena a José Rubén Zamora en Guatemala", OEA-M4-NV-166-2023, Note from the Presidential Commission for Peace and Human Rights, June 20, 2023.

¹⁸⁹⁷ Information sent by the State of Guatemala in response to the draft press release "CIDH y RELE manifiestan grave preocupación por la condena a José Rubén Zamora en Guatemala", OEA-M4-NV-166-2023, Note from the Presidential Commission for Peace and Human Rights, June 20, 2023.

¹⁸⁹⁸ Information sent by the State of Guatemala in response to the draft press release "CIDH y RELE manifiestan grave preocupación por la condena a José Rubén Zamora en Guatemala", OEA-M4-NV-166-2023, Note from the Presidential Commission for Peace and Human Rights, June 20, 2023.

833. The authorities also indicated that the State does not exercise any control over the content communicated by the media, thus guaranteeing freedom of thought, expression and the exercise of journalism¹⁸⁹⁹.

834. Also in 2023, this Office followed up on the opening of a criminal investigation against at least eight journalists and columnists from *El Periódico*, who were charged with the alleged crime of obstruction of justice due to a series of newspaper articles that covered the Zamora judicial case. According to the information received, on February 28, 2023, the Special Prosecutor's Office against Impunity (FECI) of the Public Prosecutor's Office (MP) requested the judge to investigate the journalists and columnists, under the argument that their journalistic articles were "presumably aimed at attacking the personal sphere of the justice operators" related to the Zamora case, and that this could lead to the possible commission of the crime of obstruction of justice¹⁹⁰⁰. The head of the Tenth Court of Criminal Instance granted the prosecutor's request and ordered the initiation of an investigation against the journalists, to determine their possible connection with the alleged crime of obstruction of justice¹⁹⁰¹. According to public information, the head of the FECI requested that the Fifth Pluripersonal Court of First Criminal Instance, Drug Trafficking and Crimes against the Environment have jurisdictional control in this case¹⁹⁰².

835. Both the Inter-American Commission, through its Office of the Special Rapporteur for Freedom of Expression, and the Office of the United Nations High Commissioner for Human Rights expressed their concern regarding the facts, and called on the State to guarantee international human rights standards in the face of any measure that may restrict the right to freedom of expression¹⁹⁰³.

836. In this case, the State emphasized that it "recognizes the fundamental value of freedom of expression in any democratic system and how relevant it is for public debate," and that the judge's decision "does not constitute an isolated persecution against certain journalists"¹⁹⁰⁴. In the State's opinion, the judge's order to investigate journalists does not constitute any action that seeks to intimidate communicators, or to limit or restrict freedom of expression, but rather demonstrates the existence of evidence that the journalists may have acted in cooperation with Mr. Zamora to disseminate false information or information that threatens the integrity, dignity and reputation of officials of the Public Ministry, with the aim of coercing them, influencing their behavior and hindering their functions¹⁹⁰⁵. According to the State, this would constitute subsequent liability under the terms of Article 13(2) of the American Convention.¹⁹⁰⁶

837. In addition, the Rapporteurship learned that the Special Prosecutor's Office against Impunity (FECI) requested Aldea Global S.A., publisher of *El Periódico*, to deliver within three working days all articles published between July 2022 and May 2023 by journalists and columnists investigated for obstruction of

¹⁸⁹⁹ Information sent by the State of Guatemala in response to RELE's request for information in the framework of the preparation of the Annual Report, OAS-M4-NV-288-2023, Note from the Presidential Commission for Peace and Human Rights, September 6, 2023, p.3.

¹⁹⁰⁰ La Hora, February 28, 2023, [Libertad de expresión bajo AMENAZA: juez ordena investigar a periodistas en caso Zamora](#); Prensa Comunitaria, February 28, 2023, [Ministerio Público busca criminalizar a periodistas](#).

¹⁹⁰¹ Prensa Libre, February 28, 2023, [Judge orders investigation into elPeriódico journalists and columnists and media outlets at request of MP](#); CPJ, February 28, 2023, [CPJ calls for Guatemala to halt investigation into elPeriódico journalists](#).

¹⁹⁰² La Hora, June 6, 2023, [A solicitud de FECI: Juzgado Quinto conozá caso contra periodistas y columnistas de elPeriódico](#).

¹⁹⁰³ UN Human Rights Twitter account (@UNHumanRights), [March 2, 2023](#); IACHR, Office of the Special Rapporteur for Freedom of Expression, March 29, 2023, [La RELE manifiesta preocupación por la apertura de una investigación penal contra periodistas en Guatemala por la cobertura de asuntos de interés público](#), press release R52/23.

¹⁹⁰⁴ Information sent by the State of Guatemala in response to the request for information from the Office of the Special Rapporteur regarding the opening of a criminal investigation against journalists in Guatemala, OEA-M4-NV-060-2023, Note from the Presidential Commission for Peace and Human Rights, March 10, 2023.

¹⁹⁰⁵ Information sent by the State of Guatemala in response to the request for information from the Office of the Special Rapporteur regarding the opening of a criminal investigation against journalists in Guatemala, OEA-M4-NV-060-2023, Note from the Presidential Commission for Peace and Human Rights, March 10, 2023.

¹⁹⁰⁶ Information sent by the State of Guatemala in response to the request for information from the Office of the Special Rapporteur regarding the opening of a criminal investigation against journalists in Guatemala, OEA-M4-NV-060-2023, Note from the Presidential Commission for Peace and Human Rights, March 10, 2023.

justice, and by José Rubén Zamora¹⁹⁰⁷. These are publications in which alleged procedural irregularities have been denounced and the actions of judges and prosecutors in cases against justice operators, human rights defenders and journalists have been questioned¹⁹⁰⁸.

838. Various local civil society organizations considered that this action "confirms the illegal, systematic persecution and criminalization of the right to freedom of expression". They also argued that this violates the Constitution and the Law of Free Speech, since "any claim against journalists for their publications must be ventilated in a court of law"¹⁹⁰⁹. In response, the Public Prosecutor's Office stated that "there is no arbitrary criminal prosecution against freedom of expression" and that all its investigations "are carried out with objectivity, impartiality and strict adherence to the principle of legality. At all times respect for due process, the presumption of innocence and all procedural guarantees have been guaranteed"¹⁹¹⁰.

839. In this serious context, the IACHR and its Rapporteurship were concerned about the definitive closure of *El Periódico* on May 12, 2023, as a result of the obstacles reported to continue operating normally since the arrest of Zamora, the intensification of judicial persecution against its members, as well as political and economic pressures¹⁹¹¹. It is worth noting that since its founding in 1996, *El Periódico* has been recognized as one of the most relevant investigative media in Guatemala for its coverage of corruption. "Despite the fatigue, the severe adverse conditions, the humiliation and scorn, I will not cease in my struggle for freedom and democracy in Guatemala," wrote José Rubén Zamora from jail in his last editorial column¹⁹¹².

840. The IACHR and its RELE have pointed out that the use of criminal law as a form of reprisal and intimidation against journalists and communicators who investigate matters of high public interest constitutes an indirect means of censorship¹⁹¹³. According to Principle 13 of the Declaration of Principles on Freedom of Expression of the IACHR, the use of State power and ordinary institutional mechanisms with the aim of pressuring, threatening and punishing social communicators and the media based on their reporting lines violates freedom of expression¹⁹¹⁴. As has been previously pointed out, "when the law is used for the purpose of eliminating or appeasing criticism or dissent, what exists is persecution and not a legitimate attempt to strengthen the rule of law"¹⁹¹⁵.

841. Finally, the Office also learned of obstruction by public officials of journalists attempting to cover public events. For example, on May 4, congressional workers and members of the Guatemalan Education Workers Union (STEG) reportedly blocked access to journalists from *Prensa Libre* and *Guatevisión*, violently preventing them from entering the legislative building¹⁹¹⁶. According to a public source, this allegedly occurred when reporter Andrea Domínguez was trying to cover a meeting between the president of Congress and the leader of the teachers' union¹⁹¹⁷. Likewise, according to public information, on May 17, during an activity of

¹⁹⁰⁷ AP News, June 5, 2023, [Guatemala: Fiscalía requiere a medio local las publicaciones de ocho redactores investigados](#); La Hora, June 5, 2023, [El MP no cesa: FECL solicita a el Periódico publicaciones de periodistas y columnistas](#); Prensa Comunitaria, June 7, 2023, [Denuncian anomalías en investigación contra periodistas y columnistas de el Periódico](#).

¹⁹⁰⁸ AP News, June 5, 2023, [Guatemala: The Attorney General's Office requires the publications of eight investigated editors from the local media](#).

¹⁹⁰⁹ UDEFEGUA X account (@UDEFEGUA), [June 7, 2023](#).

¹⁹¹⁰ X account of the MP of Guatemala (@MPGuatemala), [June 7, 2023](#).

¹⁹¹¹ AP News, May 12, 2023, [El Periódico de Guatemala announces its closure one year after the arrest of its founder](#); Deutsche Welle (DW), May 13, 2023, [El Periódico de Guatemala closes due to persecution of its owner](#).

¹⁹¹² The New York Times, May 16, 2023, [Closure of el Periódico deals blow to Guatemala's democracy](#); University of Oxford, Reuters Institute, May 25, 2023, [These are the journalists who keep the flame of free journalism alive in Guatemala](#).

¹⁹¹³ IACHR, [Background and Interpretation of the Declaration of Principles on Freedom of Expression](#).

¹⁹¹⁴ IACHR, [Background and Interpretation of the Declaration of Principles on Freedom of Expression](#).

¹⁹¹⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, A Hemispheric Agenda for the Defense of Freedom of Expression, OEA/Ser.L/V/II IACHR/RELE/INF. 4/09, February 25, 2009, para. 82.

¹⁹¹⁶ La Hora, May 4, 2023, [Sindicalistas del magisterio y trabajadores del Congreso agreden a periodistas](#); Twitter account of the journalists' collective No Nos Callarán (@NoNosCallaranGT), [May 4, 2023](#).

¹⁹¹⁷ La Hora, May 4, 2023, [Teachers' unionists and congressional workers attack journalists](#).

the General Secretariat of Planning and Programming of the Presidency in Ixcán, Quiché department, access to the local press was impeded with the justification that it was a "private event" .¹⁹¹⁸

842. Additionally, information was received about measures of the judiciary that would hinder press coverage and press access to information about criminal proceedings of public notoriety, such as that of the former anti-corruption prosecutor Virginia Laparra, arrested and accused of revealing confidential information. According to public information, in January Laparra's case was judicially declared under reserve, on the grounds that the media misrepresents information about the process and "hinders the investigation of the truth"¹⁹¹⁹ . RELE has been able to observe that the reservation of files has been a common practice with respect to cases of notoriety and with an impact on public opinion¹⁹²⁰ .

843. According to public information, in April, the president of the Supreme Court of Justice reportedly sent a circular to judges and other Judicial Branch personnel prohibiting the sharing of information with the media¹⁹²¹ . Failure to comply with this regulation could result in administrative disciplinary proceedings against the judicial body's officials or employees .¹⁹²²

844. For its part, the State informed that the Secretariat of Social Communication of the Presidency makes use of official channels in order to disseminate the activities carried out by the agency's agencies. In this regard, it indicated that the SCSP favors journalism, providing access to sources of information.

845. In addition, the Supreme Electoral Tribunal informed that since January 2023 they have held a monthly meeting with the representatives of the different media, and have developed transmissions of the different activities that take place within the framework of the electoral process.

846. This Office recalls that the State must guarantee that the press can carry out its work without undue interference, particularly when it deals with matters of public interest. When the authorities hinder journalistic coverage or impose restrictions such as the confidentiality of cases of public relevance, the principle of transparency and accountability is put at risk, which has a negative impact on democratic institutions¹⁹²³ .

847. As noted by the UN, OSCE and OAS rapporteurs for freedom of expression in their Joint Declaration on International Mechanisms for the Promotion of Freedom of Expression, the right of access to information should be subject to a narrow system of exceptions carefully tailored to protect overriding public and private interests¹⁹²⁴ . In this sense, exceptions are only applicable where there is a risk of substantial harm to the protected interests and where such harm outweighs the overall public interest in having access to such information. The public authority seeking to deny access must demonstrate that the information is covered by the system of exceptions .¹⁹²⁵

B. Freedom of expression, rule of law and democratic institutions

¹⁹¹⁸ Prensa Comunitaria, May 22, 2023, [Press access to a Segeplan activity in Ixcán denied](#).

¹⁹¹⁹ Prensa Libre, January 3, 2023, [Judge Carmen Acú declares case against Virginia Laparra under reserve and MP points fingers at journalists and media](#); Prensa Comunitaria Twitter account (@PrensaComunitaria), [January 3, 2023](#); La Hora, [Judge and prosecutor continue with narrative against press for publications](#), April 12, 2023.

¹⁹²⁰ El Faro, March 2, 2023, [Virginia Laparra personifies the hunt against the opposition in Guatemala](#).

¹⁹²¹ La Hora, [Presidenta de la CSJ restringe a jueces y empleados del OI compartir información a medios de comunicación](#), April 4, 2023; Prensa Libre, [Organismo Judicial restringe a sus empleados divulgar información y advierte procesos administrativos](#), April 3, 2023.

¹⁹²² La Hora, [Presidenta de la CSJ restringe a jueces y empleados del OI compartir información a medios de comunicación](#), April 4, 2023; Prensa Libre, [Organismo Judicial restringe a sus empleados divulgar información y advierte procesos administrativos](#), April 3, 2023.

¹⁹²³ IACHR, Background and Interpretation of the Declaration of Principles on Freedom of Expression.

¹⁹²⁴ UN, OSCE, OAS, Joint Declaration on International Mechanisms for the Promotion of Freedom of Expression, December 6, 2004.

¹⁹²⁵ UN, OSCE, OAS, Joint Declaration on International Mechanisms for the Promotion of Freedom of Expression, December 6, 2004.

848. The situation of criminalization and violations of due process in cases against journalists, human rights defenders, justice operators and, in general, people who actively participate in public life, has weakened the exercise of freedom of expression and access to public information in Guatemala, and this has had negative consequences for democratic institutions¹⁹²⁶. The Rapporteurship highlights the urgent need for the State to undertake efforts to restore citizen confidence in public institutions and protect democratic values in the transition of government.

849. On this point, the report of findings of the international mission on freedom of press and expression in Guatemala concluded that "the capture of the State by political, economic and military elites, in some cases linked to organized crime groups and drug trafficking, has dismantled democratic institutions and the rule of law, co-opting public institutions, especially the justice system; it has created an institutional framework at the service of impunity and corruption that does not seem to have a chance to change course in the upcoming elections"¹⁹²⁷. The mission was carried out between May 3 and 27, 2023, and its objective was to analyze and make visible the violence and obstacles faced by journalists and communicators in the country, especially in the pre-electoral context. It was formed by the international organizations Article 19 Office for Mexico and Central America, Freedom House, Free Press Unlimited (FPU), Protection International Mesoamerica, Reporters Without Borders (RSF), Committee to Protect Journalists (CPJ), Fundamedios and the Foundation for Press Freedom (FLIP), in alliance with the regional networks IFEX-ALC and Voces del Sur¹⁹²⁸.

850. In addition, citizen distrust in Guatemalan state institutions is a factor that has contributed to the weakening of democratic institutions. An opinion survey conducted by the consulting firm ProDatos for *Prensa Libre* and *Guatevisión* in April indicated that six out of ten Guatemalans have more confidence in churches than in state institutions. In this context, only 16% of the population trusts the Supreme Electoral Tribunal as a guarantor of a democratic electoral process¹⁹²⁹.

851. In 2023, general elections were held in Guatemala, in which citizens voted for president, vice president, mayors and deputies, among other positions¹⁹³⁰. In this context, the Rapporteurship followed up on the situation of freedom of expression during the electoral period, and received information on violations of the exercise of journalism during the first round of elections on June 25, 2023¹⁹³¹.

852. According to the electoral monitoring report of the Red Rompe el Miedo, at least 27 incidents were recorded and verified, affecting 38 journalists and communicators, between Saturday June 24 and Monday June 26, 2023¹⁹³². Of these incidents, 14 occurred prior to the closing of the polls, and the rest after the closing of the polls. The most reported incident was the obstruction of journalistic work, for example, through limitations to journalistic coverage and the prohibition to enter the voting centers during the counting of votes¹⁹³³. In addition, intimidations were reported -one of them with a firearm- and cases in which information was denied¹⁹³⁴.

853. This office was also informed of attacks on journalists by supporters of candidates for public office, in the context of the 2023 general elections. In April, Juan Bautista Xol, journalist of *Prensa Comunitaria*

¹⁹²⁶ OHCHR Guatemala, March 27, 2023, [Annual Report of the UN High Commissioner for Human Rights 2022](#), p. 28.

¹⁹²⁷ Freedom House, Free Press Unlimited, RSF, Article 19, FLIP, CPJ, Fundamedios, Protection International Mesoamerica, IFEX-ALC, Voces del Sur, June 2023, [Report of findings of the international mission on freedom of press and expression in Guatemala](#), p. 19.

¹⁹²⁸ Freedom House, Free Press Unlimited, RSF, Article 19, FLIP, CPJ, Fundamedios, Protection International Mesoamerica, IFEX-ALC, Voces del Sur, June 2023, [Report of findings of the international mission on freedom of press and expression in Guatemala](#), p. 19.

¹⁹²⁹ Freedom House, May 18, 2023, [Guatemala: Without press freedom there is no democracy](#); *Prensa Libre*, May 4, 2023, [Guatemalans still trust churches, but not public institutions and the political class](#).

¹⁹³⁰ The Hour, June 25, 2023, [#LH25ofJune:What are we choosing in the 2023 general election](#).

¹⁹³¹ Red Rompe el Miedo Guatemala, July 6, 2023, [Executive Report. Electoral monitoring, first round, general elections Guatemala 2023](#).

¹⁹³² Red Rompe el Miedo Guatemala, July 6, 2023, [Executive Report. Electoral monitoring, first round, general elections Guatemala 2023](#).

¹⁹³³ Red Rompe el Miedo Guatemala, July 6, 2023, [Executive Report. Monitoreo electoral, primera vuelta, elecciones generales Guatemala 2023](#); *Prensa Comunitaria*, June 29, 2023, [PNC y Juntas Electorales obstaculizaron el trabajo de periodistas en jornada electoral](#).

¹⁹³⁴ Red Rompe el Miedo Guatemala, July 6, 2023, [Executive Report. Electoral monitoring, first round, general elections Guatemala 2023](#).

was reportedly attacked by UNE supporters in Izabal; Marvin del Cid and Sonny Figueroa were reportedly attacked by supporters of the Valor party in zone 6 of the capital; and Mario Guzmán, of *T13 Noticias* reportedly received death threats from a former mayor and candidate for reelection to that position in Sololá¹⁹³⁵.

854. According to the analysis carried out by the European Union (EU) Electoral Observation Mission, the general elections in Guatemala were held "in a context of serious deterioration of the rule of law and the independence of the judiciary, as well as severe restrictions on freedom of expression and press freedom", and in an "intimidating environment" and self-censorship for the media¹⁹³⁶. According to the EU, this situation would have limited the right of voters to receive information and the right of journalists to report during the election period¹⁹³⁷.

855. With respect to the right to freedom of expression and the electoral process, the State reported on various actions carried out by the Supreme Electoral Tribunal (TSE). For example, the launching of the "non-aggression pact", a national agreement whose purpose is to promote an electoral process with integrity, which strengthens democracy and the rule of law, in an environment of peace, respect, inclusion and ethics. The agreement contains 16 points and most of them are commitments made by the signatory political parties to guarantee elections without violence¹⁹³⁸. In addition, information and training actions were developed for journalists, under the theme of "culture of electoral legality".¹⁹³⁹

856. The State also informed that the TSE held a coordination meeting with representatives of the Red Rompe el Miedo Guatemala, to define criteria for the journalistic coverage of the general elections. Within this framework, the Network prepared informative material that was distributed in the different voting centers, with the purpose of making the journalistic rights and obligations in the voting centers¹⁹⁴⁰.

857. The Rapporteurship emphasizes that, in the context of an electoral campaign, freedom of thought and expression in its two dimensions constitutes a fundamental bastion for debate, the formation of public opinion among voters, and the strengthening of the political contest between the different candidates and parties¹⁹⁴¹. Therefore, it is essential that the State protects and guarantees the exercise of freedom of expression in the political debate that precedes the elections of the state authorities that will govern a State¹⁹⁴².

858. International standards on freedom of expression recognize the importance for democracy of a dynamic media environment during electoral periods, so that the public has access to a diverse range of information and ideas¹⁹⁴³. In this regard, States should implement various measures to create an environment conducive to the proliferation of pluralistic media in electoral contexts¹⁹⁴⁴. In addition, they have a special

¹⁹³⁵ Observatorio de Periodistas de Guatemala, June 2023. Information sent by Red Rompe el Miedo, August 10, 2023. Archive of the IACHR and the Office of the Special Rapporteur; La Hora, [Cuenta de NoNosCallarán denuncia amenaza contra periodista](#), April 26, 2023.

¹⁹³⁶ European Union Election Observation Mission Guatemala, June 27, 2023, [Preliminary Statement. A well-organized election day, in a process marked by the exclusion of candidates and invalid votes](#).

¹⁹³⁷ European Union Election Observation Mission Guatemala, June 27, 2023, [Preliminary Statement. A well-organized election day, in a process marked by the exclusion of candidates and invalid votes](#).

¹⁹³⁸ Information sent by the State of Guatemala in response to RELE's request for information in the framework of the preparation of the Annual Report, OAS-M4-NV-288-2023, Note from the Presidential Commission for Peace and Human Rights, September 6, 2023, p.4.

¹⁹³⁹ Information sent by the State of Guatemala in response to RELE's request for information in the framework of the preparation of the Annual Report, OAS-M4-NV-288-2023, Note from the Presidential Commission for Peace and Human Rights, September 6, 2023, p.6.

¹⁹⁴⁰ Information sent by the State of Guatemala in response to RELE's request for information in the framework of the preparation of the Annual Report, OAS-M4-NV-288-2023, Note from the Presidential Commission for Peace and Human Rights, September 6, 2023, p.6.

¹⁹⁴¹ I/A Court H.R., *Case of Ricardo Canese v. Paraguay, Merits, Reparations and Costs*, Judgment of August 31, 2004, Series C No. 111, para. 88.

¹⁹⁴² I/A Court H.R., *Case of Ricardo Canese v. Paraguay, Merits, Reparations and Costs*, Judgment of August 31, 2004, Series C No. 111, para. 90.

¹⁹⁴³ UN, OSCE, OAS, [Joint Declaration on Freedom of Expression and Elections in the Digital Age](#), April 30, 2020.

¹⁹⁴⁴ UN, OSCE, OAS, ACHPR, [Joint Declaration on Media and Elections](#), 2009.

obligation to take prompt and effective measures to prevent, protect, investigate, prosecute and punish attacks, threats, intimidation and harassment, both online and offline, against journalists and other media workers during election periods, particularly in cases where State actors are or may be involved¹⁹⁴⁵.

859. This Office followed up on several events that occurred after the second round of elections on August 20, 2023, where threats to the exercise of the right to freedom of expression and peaceful assembly were reported. In particular, RELE learned that on August 24, 2023, the Attorney General of Guatemala filed a request for protection before the Constitutional Court, considering that there were violations to the autonomy and independence of the Public Prosecutor's Office¹⁹⁴⁶. The official alleged that the messages circulated in social networks, which reported a call for a public demonstration to demand actions taken by the Public Prosecutor's Office, entailed public disorder and attempted against the fulfillment of the constitutional mandate of the entity under her charge¹⁹⁴⁷. In this regard, it asked the Court to order the actions of President Alejandro Giammattei, the Ministry of the Interior and the National Civil Police¹⁹⁴⁸. Among other things, it requested that "public order be preserved with sufficient duly uniformed elements of the forces and that public force be used, if absolutely necessary and in exceptional cases, when the meeting as such or demonstration is not peaceful or if there are clear indications of an imminent threat of serious violence"¹⁹⁴⁹. The Constitutional Court of Guatemala rejected their request for amparo, stating that "the right to demonstrate was exercised by the citizens without endangering public order or the constitutional functions of the Public Prosecutor's Office".¹⁹⁵⁰

860. Since October 2, the IACHR and its RELE closely monitored a series of social mobilizations led by indigenous authorities, in response to a series of allegations of interference by the Public Prosecutor's Office (MP), contrary to the democratic order and the sovereign will of the population expressed at the polls¹⁹⁵¹. The IACHR and its RELE observed that the claims and discontent of the population was expressed peacefully in social mobilizations and other acts of protest in public spaces and in front of the buildings of state institutions¹⁹⁵².

861. In this context, the Commission and its RELE received complaints about actions that seek to limit the free exercise of the right to protest, in a climate of growing social tension. For example, stigmatizing statements and threats of criminalization from the highest authorities, as well as aggressions and threats from individuals against those who demonstrate in different parts of the country, including indigenous people, defenders and journalists¹⁹⁵³.

862. Thus, for example, the Commission learned of an armed attack against demonstrators by private individuals who were attempting to remove a blockade in the municipality of Malacatán, on October 16¹⁹⁵⁴. This attack allegedly occurred in the presence of the National Civil Police (PNC) and resulted in the

¹⁹⁴⁵ UN, OSCE, OAS, [Joint Declaration on Freedom of Expression and Elections in the Digital Age](#), April 30, 2020.

¹⁹⁴⁶ France 24, August 28, 2023, [Guatemalan court rejects attorney general's request to stop protests against him](#); Emisoras Unidas, August 23, 2023, [Prosecutor Porras files injunction to "guarantee his independence"](#).

¹⁹⁴⁷ La Hora, August 25, 2023, [Fiscal General pide en amparo uso de la fuerza pública de ser necesario](#); Soy 502, [Los mensajes en redes sociales que originaron el amparo de Consuelo Porras](#).

¹⁹⁴⁸ Prensa Comunitaria, [CC niega amparo solicitado por Consuelo Porras en contra de ciudadanos que demanden su renuncia](#); Inter American Press Association, August 29, 2023, [La SIP rechaza el "abuso de privilegio" de la fiscal general de Guatemala](#).

¹⁹⁴⁹ La Hora, August 25, 2023, [Attorney General requests in amparo the use of public force if necessary](#).

¹⁹⁵⁰ France 24, August 28, 2023, [Guatemalan court rejects attorney general's request to stop protests against him](#); Voice of America, August 28, 2023, [Guatemalan Constitutional Court denies attorney general right to repress protests called on social networks](#).

¹⁹⁵¹ La Hora, October 2, 2022, [Demonstrations against MP begin today, with indefinite deadline](#); AP News, October 3, 2023, [Guatemala: blockades and protests continue against actions of prosecutor's office on electoral process](#).

¹⁹⁵² IACHR, [Guatemala: IACHR and RELE urge the State to guarantee the right to protest and peaceful assembly](#), Press Release 255/23, October 30, 2023.

¹⁹⁵³ Deutsche Welle (DW), [Giammattei says he will no longer tolerate road blockades](#), 10 October 2023; La Hora, [Barrientos makes call to leaders, talks about blockades and unrest in zone 1](#), 10 October 2023; Soy 502, [Bloqueos: Bernardo Arévalo rechaza actos de vandalismo por grupos de infiltrados](#), 9 October 2023; Information contributed by civil society organizations and journalists, October 2023.

¹⁹⁵⁴ Prensa Libre, [Autos quemados, casquillos y los otros detalles de la balacera que dejó un muerto y heridos en un bloqueo en Malacatán](#), 17 October 2023; La Hora, [Enfrentamiento en Malacatán por bloqueo deja un fallecido y dos heridos](#), 16 October 2023.

death of one person and two injuries¹⁹⁵⁵. In this regard, the Public Prosecutor's Office and the Ministry of the Interior reported the detention of eleven persons¹⁹⁵⁶. The IACHR was also informed of the murder of Noé Gómez, human rights defender, member of the Xinca People and one of the leaders of the mobilizations in Jutiapa, which occurred on October 28, and therefore calls on the authorities to investigate with due diligence the events that occurred¹⁹⁵⁷.

863. On the other hand, the Red Rompe el Miedo documented attacks against journalists for their coverage of the protests, allegedly by people infiltrating the demonstrations as well as by agents of the National Civil Police¹⁹⁵⁸. According to public information, up to October 18, at least 9 incidents against the press were reported, including physical aggressions, intimidations and hacks¹⁹⁵⁹.

864. On October 18, the Constitutional Court (CC) issued a ruling in response to an appeal filed by the MP in protest of the prolonged blockade of its headquarters in Barrio Gerona by demonstrations¹⁹⁶⁰. The CC ordered the PNC and the Ministry of the Interior to "execute the pertinent actions and measures to restore public order", including through the use of public force and with the cooperation of the Guatemalan army¹⁹⁶¹. In addition, it questioned that some "non-peaceful" mobilizations could constitute crimes against humanity for "provoking the extermination of civilians" as a result of "situations of destruction of installations and water reserves"¹⁹⁶². It also ordered the arrest of persons implicated in the commission of flagrant crimes¹⁹⁶³.

865. For the IACHR and its RELE, the sentence has a severe impact on the right to freedom of expression and the right to defend rights at a transcendental moment for the country, such as the post-electoral and presidential transition period¹⁹⁶⁴.

866. Additionally, on October 27, the Public Prosecutor's Office filed a request for pre-trial against the deputy of the Seed Movement, Samuel Pérez, due to a publication of the legislator in social networks in which he questioned the sentence of the Court and considered it a "declaration of war against the people of Guatemala"¹⁹⁶⁵. According to the MP, the congressman's message could generate a "destabilization of the Democratic Rule of Law" and constitute an alleged crime of activities against the internal security of the nation¹⁹⁶⁶. In this regard, the IACHR and its Rapporteurship recall that the right to freedom of expression cannot be restricted by indirect ways or means, such as abuses of official controls and obstacles aimed at preventing the free circulation of ideas and opinions¹⁹⁶⁷.

867. For its part, the State of Guatemala emphasized that it complies with international standards on the matter, that it has always favored and given priority to the prior exhaustion of dialogue and that the use

¹⁹⁵⁵ La Hora, [Un muerto y dos heridos en San Marcos: persisten más dudas que respuestas](#), October 16, 2023; Prensa Libre, [Disparos, un muerto y varios heridos: bomberos dan detalles de violento desalojo en bloqueo en Malacatán](#), October 16, 2023; Cuenta de X del Ministerio Público de Guatemala (@MPguatemala), [October 16, 2023](#).

¹⁹⁵⁶ Emisoras Unidas, [MP investiga los eventos que ocurrieron en Malacatán, San Marcos](#), October 16, 2023.

¹⁹⁵⁷ Prensa Comunitaria, [Asesinan a dirigente Xinka y defensor de derechos humanos](#), 29 October 2023; La Hora, [Líder comunitario de Jutiapa fallece en ataque armado: PNC recaaba información](#).

¹⁹⁵⁸ Voces del Sur, [Voces del Sur condemns the order to evict the peaceful demonstration in Guatemala, in open contempt of guaranteeing the right to assembly and freedom of expression](#), October 18, 2023.

¹⁹⁵⁹ Voces del Sur, [Voces del Sur condemns the order to evict the peaceful demonstration in Guatemala, in open contempt of guaranteeing the right to assembly and freedom of expression](#), October 18, 2023.

¹⁹⁶⁰ X account of the Constitutional Court of Guatemala (@CC_Guatemala), [October 18, 2023](#).

¹⁹⁶¹ Constitutional Court of Guatemala, EXPEDIENTE 1322-2023, October 18, 2023.

¹⁹⁶² Constitutional Court of Guatemala, EXPEDIENTE 1322-2023, October 18, 2023.

¹⁹⁶³ Constitutional Court of Guatemala, EXPEDIENTE 1322-2023, October 18, 2023.

¹⁹⁶⁴ IACHR, [Guatemala: IACHR and RELE urge the State to guarantee the right to protest and peaceful assembly](#), Press Release 255/23, October 30, 2023.

¹⁹⁶⁵ La Hora, [MP presenta antejuicio contra Samuel Pérez por tuit publicado](#), 27 October 2023; Soy 502, [MP pide retirar la inmunidad de Samuel Pérez, diputado de Semilla](#), 27 October 2023; Prensa Libre, [Ministerio Público solicita retiro de inmunidad contra el diputado Samuel Pérez](#), 27 October 2023.

¹⁹⁶⁶ La Hora, [MP presenta antejuicio contra Samuel Pérez por tuit publicado](#), 27 October 2023; Soy 502, [MP pide retirar la inmunidad de Samuel Pérez, diputado de Semilla](#), 27 October 2023; Prensa Libre, [Ministerio Público solicita retiro de inmunidad contra el diputado Samuel Pérez](#), 27 October 2023.

¹⁹⁶⁷ American Convention on Human Rights, Article 13; IACHR, Declaration of Principles on Freedom of Expression, 2000.

of force is an ultima ratio¹⁹⁶⁸. Regarding the actions of the MP, it stated that the ongoing criminal investigation in no way intends to alter the democratic order or the results of the general elections¹⁹⁶⁹. Likewise, it pointed out that all the actions of the Constitutional Court have been carried out within the framework of the Guatemalan legal system and in accordance with the protection of the fundamental rights of the population¹⁹⁷⁰.

868. The State also indicated that the Ministry of the Interior, favoring dialogue, adhering to the current legal order, established plans and protocols, and absolute respect for the human rights of all those present, was able to reach an agreement with the leaders of the group stationed in front of the Public Prosecutor's Office building, freeing access to said building¹⁹⁷¹. He also affirmed that as the days go by, the achievements of the mediation tables are becoming evident given that the passages and mobility in many points have been released peacefully and by the will of the demonstrators themselves¹⁹⁷².

869. The Rapporteurship recalls that the right to peaceful protest is a fundamental component of freedom of expression, since the expression of opinions, dissemination of information, and articulation of demands are central objectives of protests¹⁹⁷³. When social protest is framed within speeches that criticize or denounce public officials and authorities or refer to matters of public interest, they are especially protected by Article 13 of the ACHR¹⁹⁷⁴.

870. States are obliged to guarantee and facilitate the exercise of the human rights at stake during demonstrations and protests and to implement measures and mechanisms so that these can be exercised in practice, not as a way of hindering them¹⁹⁷⁵. Public demonstrations should not be considered by the authorities as a threat to public order or internal security¹⁹⁷⁶. Due to the nature of social protests, it is necessary to tolerate a certain level of disruption to daily life, for example, in relation to traffic and entry to public buildings¹⁹⁷⁷.

871. In accordance with Inter-American standards, the use of force must conform to strict principles of exceptionality, necessity, progressiveness and proportionality¹⁹⁷⁸. In this regard, the Commission

¹⁹⁶⁸ Information sent by the State of Guatemala in response to the draft press release: "Guatemala: CIDH y RELE instan al Estado a garantizar el derecho a la protesta y reunión pacífica", OEA-M4-NV-362-2023, Note from the Presidential Commission for Peace and Human Rights, October 30, 2022.

¹⁹⁶⁹ Information sent by the State of Guatemala in response to the draft press release: "Guatemala: CIDH y RELE instan al Estado a garantizar el derecho a la protesta y reunión pacífica", OEA-M4-NV-362-2023, Note from the Presidential Commission for Peace and Human Rights, October 30, 2022.

¹⁹⁷⁰ Information sent by the State of Guatemala in response to the draft press release: "Guatemala: CIDH y RELE instan al Estado a garantizar el derecho a la protesta y reunión pacífica", OEA-M4-NV-362-2023, Note from the Presidential Commission for Peace and Human Rights, October 30, 2022.

¹⁹⁷¹ Information sent by the State of Guatemala in response to the draft press release: "Guatemala: CIDH y RELE instan al Estado a garantizar el derecho a la protesta y reunión pacífica", OEA-M4-NV-362-2023, Note from the Presidential Commission for Peace and Human Rights, October 30, 2022.

¹⁹⁷² Information sent by the State of Guatemala in response to the draft press release: "Guatemala: CIDH y RELE instan al Estado a garantizar el derecho a la protesta y reunión pacífica", OEA-M4-NV-362-2023, Note from the Presidential Commission for Peace and Human Rights, October 30, 2022.

¹⁹⁷³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 18.

¹⁹⁷⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 206.

¹⁹⁷⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 28.

¹⁹⁷⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 339.

¹⁹⁷⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 154.

¹⁹⁷⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 350.

and RELE recall that the deconcentration of peaceful demonstrations by force is a direct interference with this right and, in addition, can affect the life or integrity of persons¹⁹⁷⁹.

C. Freedom of expression and the fight against discrimination and exclusion

872. The Office of the Special Rapporteur reiterates that challenges persist with respect to the full enjoyment of the right to freedom of expression and access to information by indigenous peoples and other groups, which must be addressed by the State. In particular, cases of intimidation of community and indigenous journalists continue to be reported, as well as the lack of a regulatory framework in accordance with the recommendations outlined by the Inter-American Court in the case of *Pueblos Indígenas Maya Kaqchikel de Sumpango et al. v. Guatemala*, October 2021. In this line, a recent UN report urged the State to adopt a legal framework for community media that respects the right to cultural participation of indigenous peoples, as well as to avoid the arbitrary criminalization of the operators of these radios, and to comply with the judgment of the Inter-American Court¹⁹⁸⁰.

873. According to public information, in February 2023, the Movement of Community Radio Broadcasters of Guatemala and the Association of Mayan Lawyers and Notaries - NIM AJPU spoke out to demand that the State comply with the sentence of the Inter-American Court of Human Rights (IACHR)¹⁹⁸¹. In this context, they denounced the lack of publication of the sentence in the Official Gazette and the absence of a technical roundtable established by the Government to follow up on it. In addition, the representatives of community radio stations pointed out that the Superintendence of Telecommunications (SIT) has argued the lack of available spaces in FM, and questioned the fact that of the 1,400 existing AM frequencies, only 500,14 are in use¹⁹⁸².

874. Likewise, it has been reported that Initiative 4087, known as the "Community Communication Media Law", has not made any progress in the Congress of the Republic, having only passed the second reading¹⁹⁸³. The purpose of this bill is to regulate the conditions for the adjudication of the use of radio frequencies.

875. In the area of freedom of expression and the fight against discrimination and exclusion, the State reported that the Supreme Electoral Tribunal has contributed with decisions and actions to improve the political, civic and electoral participation of women, youth, young indigenous women, as well as persons with disabilities. In addition, she indicated that discussion spaces were promoted to address the social and intercultural barriers faced by women and persons with disabilities in the context of electoral political participation. Mayan, Garifuna and Xinka women participated in these spaces¹⁹⁸⁴.

876. The Rapporteurship recalls that access to community radio, as vehicles of freedom of expression, is indispensable to promote the identity, language, culture, self-representation, and collective and human rights of indigenous peoples. As noted by the Inter-American Court, "[t]he absence of indigenous voices in the media not only affects the right to freedom of expression of indigenous peoples, but also prevents citizens from having access to different narratives, especially about the opinions, worldview and music of these peoples,

¹⁹⁷⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 153.

¹⁹⁸⁰ UN, Committee on Economic, Social and Cultural Rights, [Concluding observations on the fourth periodic report of Guatemala](#) (advance unedited version), E/C.12/GTM/CO/4, 14 October 2022.

¹⁹⁸¹ Federación Guatemalteca de Escuelas Radiofónicas (FGER), February 15, 2023, [Piden reconocimiento de radios comunitarias indígenas](#); Twitter account of Federación Guatemalteca de Escuelas Radiofónicas (@crfger), [February 15, 2023](#); Congreso de Guatemala, February 16, 2023, [Conferencia por el día internacional de la radio](#).

¹⁹⁸² Federación Guatemalteca de Escuelas Radiofónicas (FGER), February 15, 2023, [Piden reconocimiento de radios comunitarias indígenas](#); Twitter account of Federación Guatemalteca de Escuelas Radiofónicas (@crfger), [February 15, 2023](#).

¹⁹⁸³ Federación Guatemalteca de Escuelas Radiofónicas (FGER), February 15, 2023, [Piden reconocimiento de radios comunitarias indígenas](#); Twitter account of Federación Guatemalteca de Escuelas Radiofónicas (@crfger), [February 15, 2023](#).

¹⁹⁸⁴ Information sent by the State of Guatemala in response to RELE's request for information in the framework of the preparation of the Annual Report, OEA-M4-NV-288-2023, Note from the Presidential Commission for Peace and Human Rights, September 6, 2023, p. 9.

which is crucial given the negative effects that the mainstream media often have on the representation of indigenous peoples"¹⁹⁸⁵.

877. It is the duty of the State to adopt measures that allow access to the radio spectrum for community radio stations, due to the importance for them of this means of communication to disseminate and preserve their culture and taking into account that they constitute ethnically differentiated groups that are in a situation of marginalization and social exclusion¹⁹⁸⁶. In this regard, the Rapporteurship reiterates that legal recognition for access to a license is not sufficient to guarantee freedom, pluralism and diversity, if there are rules that establish arbitrary or discriminatory conditions in the use of the license¹⁹⁸⁷.

D. Freedom of expression and the Internet

878. The Rapporteurship notes that social networks played an important role in the 2023 general elections in Guatemala, as it was the first time that political parties were able to make paid publications on digital platforms for their electoral campaign¹⁹⁸⁸. From March 27 to June 23, 2023, the 30 participating parties had the opportunity to pay for advertising on Facebook and Instagram¹⁹⁸⁹.

879. In November 2022 and January 2023, the Supreme Electoral Tribunal introduced changes to the regulations of the Specialized Unit on Media and Opinion Studies, through Agreements 603-2022 and 23-2023. In these reforms, the Tribunal recognized the use of social networks as "alternative media" for the different purposes foreseen for the electoral contest¹⁹⁹⁰. These agreements established that political organizations must register before the Specialized Unit a single page of the political party, verified by the social network they have registered, and may make paid publications exclusively from said verified account. They are required to submit reports to the Specialized Unit, document the expenses and report it in the financial reports they submit to the Unit for Control and Audit of Finances of Political Parties (article 37 quater)¹⁹⁹¹.

880. Likewise, one of the requirements that the Meta platform demanded to authorize this practice is that the person in charge of making the payments of the guidelines resides in Guatemala and not abroad, as this contravenes Meta's policies in relation to political-partisan matters. Also, the person responsible for the payments must have a personal profile and not a false one¹⁹⁹².

881. Within this framework, the TSE informed that training sessions were held for political parties on the transparent use of social networks before the beginning of the electoral campaign¹⁹⁹³. According to the TSE, the training addressed issues related to transparency tools and good practices in the use of platforms, announcements and the generation of reports¹⁹⁹⁴. The presentation was given by the Manager of Government, Politics and Non-Governmental Organizations for Spanish-speaking South America of the company Meta¹⁹⁹⁵.

¹⁹⁸⁵ I/A Court H.R., *Case of the Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala, Merits, Reparations and Costs*, Judgment of October 6, 2021, Series C 440, para. 155.

¹⁹⁸⁶ I/A Court H.R., *Case of the Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala, Merits, Reparations and Costs*, Judgment of October 6, 2021, Series C 440, para. 117.

¹⁹⁸⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, *Freedom of Expression Standards for Free and Inclusive Broadcasting*, OEA/Ser.L/V/II IACHR/RELE/INF. 3/09, December 30, 2009, para. 70.

¹⁹⁸⁸ Soy 502, 6 January 2023, [Reformas a reglamento electoral: partidos políticos podrán pautar en redes sociales](#); Prensa Libre, 31 January 2023, [Partidos podrán pautar en Facebook e Instagram, pero TSE deja vía libre para publicaciones orgánicas en otras plataformas sociales](#).

¹⁹⁸⁹ Plaza Pública, April 3, 2023, [Television, radio and social networks will be the permanent stage for the electoral campaign](#).

¹⁹⁹⁰ Republic, November 25, 2022, [What are the changes in the Electoral Law regulations?](#)

¹⁹⁹¹ Supreme Electoral Tribunal, [Agreement No. 603/2022](#) and [Agreement No. 23/2023](#).

¹⁹⁹² La Hora, February 7, 2023, [Elecciones 2023: Pago de pauta en redes sociales deberá ser desde Guatemala](#); DPL News, February 8, 2023, [Guatemala | Elecciones 2023: Facebook e Instagram no aceptarán pago de pauta electoral](#).

¹⁹⁹³ Voz de América, 27 February 2023, [Redes sociales debutan en campaña electoral de Guatemala](#); Tribunal Supremo Electoral, No date, [Partidos Políticos se capacitan sobre herramientas de transparencia para el buen uso de las redes sociales](#).

¹⁹⁹⁴ Voice of America, February 27, 2023, [Social networks debut in Guatemala's electoral campaign](#); Supreme Electoral Tribunal, no date, [Political parties are trained on transparency tools for the proper use of social networks](#).

¹⁹⁹⁵ Voice of America, February 27, 2023, [Social networks debut in Guatemala's electoral campaign](#); Supreme Electoral Tribunal, no date, [Political parties are trained on transparency tools for the proper use of social networks](#).

882. The Director of the Specialized Unit of the TSE highlighted the importance of these activities for political parties to understand the proper use of social networks, transparency tools and how to publish ads during the electoral campaign. In addition, it was reported that the Specialized Unit will conduct a monitoring after the publication of ads on social networks to verify that the accounts are properly registered and endorsed by the TSE.

883. However, according to public information, as of April 2023, the Specialized Media Unit of the TSE had identified approximately 30 individual accounts in social networks that have contracted advertising, despite the fact that the electoral body's regulations establish that politicians can only contract advertising in social networks through verified accounts of political parties. These cases have been referred to the General Inspectorate of the TSE for investigation¹⁹⁹⁶.

884. The Office of the Special Rapporteur recognizes the challenges that have arisen in terms of freedom of expression as a result of the convergence of traditional and digital media, and the increasingly essential role played by social networks and digital technologies in elections and, in particular, digital electoral advertising. Therefore, there is a legitimate interest of the State in establishing certain limitations to preserve the integrity of the electoral process and the proper functioning of democratic institutions¹⁹⁹⁷.

885. In this regard, RELE stresses the need for the regulatory framework governing freedom of expression to reflect these changes and to promote transparent and accountable oversight of the moderation of election advertising on the Internet¹⁹⁹⁸.

886. It also recalls that political parties and candidates must publish information on the digital strategies adopted in their electoral campaigns, especially with regard to expenditures, including advertising expenses. As this Office has noted, it is essential that States establish robust rules and systems that require parties and candidates to act transparently with respect to social media spending related to electoral processes¹⁹⁹⁹.

887. On the other hand, this Office continued to receive information about attacks and threats against journalists, human rights defenders and political leaders through so-called "netcenters"²⁰⁰⁰. These accounts reportedly operate anonymously and manage hundreds of interconnected fictitious accounts, have few or no followers, have no verifiable profile picture, and use fake names. Research has revealed that a user controlling a netcenter account can falsely create 5 to 10 users per day, which equates to a monthly growth of 150 to 300 followers²⁰⁰¹.

888. In recent years, netcenters have been dedicated to harass people who criticize or question the current government administration, and to deliberately disseminate content against the fight against impunity, with the purpose of influencing the agenda and public opinion²⁰⁰². Likewise, it has been reported that they disseminate state information on judicial proceedings and other confidential matters in charge of the Public Ministry, which raises concerns about the proper handling of information by the authorities²⁰⁰³. On this point,

¹⁹⁹⁶ Prensa Libre, April 25, 2023, [TSE investigates at least 30 social network profiles that hire political advertising](#).

¹⁹⁹⁷ UN, OSCE, OAS, Joint Declaration on Freedom of Expression and Elections in the Digital Age, April 30, 2020.

¹⁹⁹⁸ UN, OSCE, OAS, Joint Declaration on Freedom of Expression and Elections in the Digital Age, April 30, 2020.

¹⁹⁹⁹ UN, OSCE, OAS, Joint Declaration on Freedom of Expression and Elections in the Digital Age, April 30, 2020.

²⁰⁰⁰ IRI, May 2023, [Guatemala 2023 Elections: A Risk Assessment on the Online Information Space](#); Deutsche Welle (DW), June 5, 2023, [The dark outlook for journalism and democracy in Guatemala](#); Civicus, May 3, 2023, [GUATEMALA: "Judicial harassment and criminal prosecution have wearing effects"](#); Vox Populi Guate Twitter account (@VoxPopuliGuate), [March 23, 2023](#); U.S. Government Department of State, [2022 Country Reports on Human Rights Practices: Guatemala](#), 2022.

²⁰⁰¹ CICIG, [Report: "Bots, netcenters and the fight against impunity. The case of Guatemala."](#) May 20, 2019.

²⁰⁰² IRI, [Guatemala 2023 Elections: A Risk Assessment on the Online Information Space](#), May 2023; Civicus, [Freedom of expression and human rights defenders remain vulnerable in Guatemala](#), June 7, 2019; Con Criterio, October 9, 2020, [From fake news to netcenters: manipulation is the big driver](#); U.S. Government, Department of State, [2022 Country Reports on Human Rights Practices: Guatemala](#), 2022; Just Security, [Guatemalan Election Runoff Endangered by Corrupt Authorities](#), July 27, 2023.

²⁰⁰³ Infobae, [Cómo la fiscalía de Guatemala utiliza trolls en las redes sociales para amedrentar al presidente electo Bernardo Arévalo](#), September 16, 2023; Con Criterio, [MP abre acceso privilegiado de información a netcenter](#), August 2, 2022; Centro

the State has indicated that "such publications have at no time been aired by official accounts of the State of Guatemala, nor by its public officials, so it is not attributable to the State"²⁰⁰⁴.

889. In the framework of the 2023 general elections, threats and intimidations with incitement to violence were reported against the electoral candidates who won the general elections, Cesar Bernardo Arevalo de Leon and Karin Herrera Aguilar²⁰⁰⁵. Among other facts, it was denounced that several profiles have repeatedly published the location of Arévalo and private family information by publicly displaying photographs of him and his family²⁰⁰⁶. In addition, that several netcenter publications against him constituted illegal leaks of supposedly confidential criminal proceedings, allegedly coming from persons linked to the Public Prosecutor's Office²⁰⁰⁷. Based on these facts, the Commission decided to grant precautionary measures in their favor, after considering that they were in a serious and urgent situation of risk of irreparable harm to their rights in Guatemala.²⁰⁰⁸

890. The Rapporteurship observes that the widespread presence of netcenters and their intimidating actions have fostered a hostile environment and self-censorship of Guatemalan citizens. In this regard, the Rapporteurship recalls that it is the duty of the State to protect and guarantee the full exercise of the right to freedom of expression on the Internet²⁰⁰⁹. This implies taking all measures within its reach to create an enabling environment in which citizens can express information, ideas and opinions without fear of reprisals or intimidation²⁰¹⁰. Given that the exercise of the right to freedom of expression not only tends to the personal fulfillment of those who express themselves, but also to the consolidation of truly democratic societies, the State has the obligation to generate sufficient conditions for public, plural and open deliberation on matters that concern us all as citizens of a given State²⁰¹¹.

891. Additionally, in relation to the reports on the dissemination of privileged information on judicial proceedings under reserve, it is imperative that the State of Guatemala, through the Public Ministry, adopt effective measures to safeguard the integrity of its information and ensure proper handling of it, avoiding leaks and ensuring diligent state document management. According to Inter-American standards on access to public information, States have the obligation to train their public officials on the custody of files related to the information that the State is obliged to safeguard and manage²⁰¹².

892. Finally, the Office of the Special Rapporteur was informed of the existence of two bills on the promotion of human rights on the Internet, aimed at guaranteeing free Internet service for public educational establishments, for education and for public information²⁰¹³.

893. As noted by RELE in its reports on the internet and the right to freedom of expression, access to the internet must be guaranteed universally, adopting measures to close the digital divide, promoting

Latinoamericano de Investigación Periodística (CLIP), [Cómo muaron los netcenters anti justicia y derechos humanos en Guatemala](#), November 30, 2022.

²⁰⁰⁴ Information sent by the State of Guatemala in response to the draft press release: "The State of Guatemala must fully and effectively guarantee the right to freedom of expression and freedom of the press", NV-OEA-M4-No.180-2022, September 1, 2022.

²⁰⁰⁵ El País, [El presidente electo de Guatemala, Bernardo Arévalo, denuncia planes para atentar contra su vida](#), August 24, 2023.

²⁰⁰⁶ IACHR, [Resolution 48/2023](#), Precautionary Measures No. 574-23, Cesar Bernardo Arevalo de Leon and Karin Herrera Aguilar regarding Guatemala, August 24, 2023.

²⁰⁰⁷ IACHR, [Resolution 48/2023](#), Precautionary Measures No. 574-23, Cesar Bernardo Arevalo de Leon and Karin Herrera Aguilar regarding Guatemala, August 24, 2023.

²⁰⁰⁸ IACHR, [Resolution 48/2023](#), Precautionary Measures No. 574-23, Cesar Bernardo Arevalo de Leon and Karin Herrera Aguilar regarding Guatemala, August 24, 2023.

²⁰⁰⁹ UN, OSCE, OAS, Joint Declaration on Freedom of Expression and Elections in the Digital Age, April 30, 2020.

²⁰¹⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 8.

²⁰¹¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 8.

²⁰¹² IACHR, Office of the Special Rapporteur for Freedom of Expression, The Right of Access to Public Information in the Americas, OEA/Ser.L/V/II IACHR/RELE/INF.7/12, December 30, 2011, para. 315.

²⁰¹³ Information sent by the State of Guatemala in response to RELE's request for information in the framework of the preparation of the Annual Report, OEA-M4-NV-288-2023, Note from the Presidential Commission for Peace and Human Rights, September 6, 2023, p. 6.

infrastructure development policies, and protecting at all times the quality and integrity of the service²⁰¹⁴. In order for the benefits of the Internet to be distributed in an inclusive and sustainable manner among the population, policies and practices in this area must be based on the respect and guarantee of human rights, especially the right to freedom of expression, which enables and makes possible the exercise of other rights on the Internet²⁰¹⁵.

²⁰¹⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a Free, Open and Inclusive Internet, OEA/Ser.L/V/II. IACHR/RELE/INF.17/17, March 2017, para. 32.

²⁰¹⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a Free, Open and Inclusive Internet, OEA/Ser.L/V/II. IACHR/RELE/INF.17/17, March 2017, para. 2.

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894. In 2023, the Office of the Special Rapporteur received reports indicating possible harassment from political sectors against at least three women journalists. Likewise, the Rapporteurship learned of repeated criticisms and possible instances of stigmatization by public authorities against the media and the Guyana Press Association, which would indicate a deterioration in relations with the journalistic profession. As in previous years, this Office recorded multiple protests over a violent clash with the Anti-Narcotics Customs Unit; the alleged lack of security guarantees for teachers in public schools; concerns about the cost of an oil spill off the country's coasts; as well as citizen demands for justice in the case of an allegedly deliberate school fire and the alleged rape of a minor by a high-level public official. In addition, the Rapporteurship received information on the initiation and progress of defamation lawsuits between public officials, one of which involved at least three media outlets for publishing a letter considered defamatory by a former president of the nation. With respect to the fight against discrimination and exclusion, the Rapporteurship was informed of an alleged incitement to racially motivated violence by a politician, as well as the decision of the IACHR to grant precautionary measures to an indigenous community due to the "grave and urgent risk of suffering irreparable harm to their human rights" due to mining activities in their ancestral territories. Nevertheless, RELE also recorded progress in the reconstitution of the Ethnic Relations Commission, the active participation and greater acceptance of the LGBTI population, and the beginning of public apologies by the descendants of British slavers. Finally, in the area of freedom of expression and the Internet, this Office recorded the increase in the number of indigenous and rural communities with access to the Internet and ICTs and the elimination of the tax on cell phones, as well as the adjustment for number portability regardless of the operator.

A. Journalism and democracy

895. According to the *Reporters Without Borders (RSF) World Press Freedom Index*, the Special Rapporteur's Office learned that Guyana would be ranked 60th by 2023, which would imply a drop of 26 positions compared to 2022.²⁰¹⁶ In its latest edition, the organization pointed out the online intimidation that journalists and media workers would face when opposing state authorities. Nevertheless, the state argues that it has undertaken multiple efforts to support media work through scholarships, training and other educational opportunities to individuals interested in contributing to the "healthy development of the fourth estate."²⁰¹⁷

896. Likewise, *RSF* would argue that there would be a possible lack of independence in the media landscape given that one of the main media outlets in the country, *The Guyana Chronicle*, would be owned and managed by the State.²⁰¹⁸ Therefore, private media would see their economic viability threatened by the need to compete with public media with revenues from government advertising and other concepts.²⁰¹⁹ Nevertheless, the State would reiterate that thanks to the guarantees for freedom of expression "at the level of the constitution, legislation, policies and in practice," the number of private media would have "grown exponentially in the last two decades" and none would be subject "to any interference from the government."²⁰²⁰

897. With respect to the political context, *RSF* would explain that the independence of certain media outlets would be threatened by the possibility of having their broadcasting licenses revoked by the regulatory authority [*Guyana National Broadcasting Authority (GNBA)*], whose members would be appointed directly by the nation's president.²⁰²¹ According to the State, the *GNBA* has developed "guidelines for broadcasters and media professionals to ensure that the public's 'right to know' is balanced within the

²⁰¹⁶ Reporters Without Borders, [2023 World Press Freedom Index: Guyana](#), 3 May 2023.

²⁰¹⁷ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

²⁰¹⁸ Reporters Without Borders, [2023 World Press Freedom Index: Guyana](#), 3 May 2023.

²⁰¹⁹ Reporters Without Borders, [2023 World Press Freedom Index: Guyana](#), 3 May 2023.

²⁰²⁰ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

²⁰²¹ Reporters Without Borders, [2023 World Press Freedom Index: Guyana](#), 3 May 2023.

parameters of universal professional industry standards and ethics," while promoting "best practices" through the facilitation of regional training and knowledge-sharing programs.²⁰²²

898. Although Guyana's constitution would guarantee freedom of expression and the right to information in its constitution, the Rapporteurship has been informed on previous occasions that public officials would use defamation lawsuits, providing for fines and up to two years in prison, to criticize media outlets and deter journalists from conducting investigations.²⁰²³ As for defamation suits against journalists, the State of Guyana has stated that none have been filed in the last three years.²⁰²⁴

899. In its latest report on freedom of expression in the country, received by this Office, the *Association of Caribbean Media Workers (ACM)* would have described the press in the country as "free and open."²⁰²⁵ However, and in line with *RSF's* observations, the *ACM* report would point out that the media landscape in Guyana would reflect the national political divide, whereby "the media often show a bias or political slant in their coverage."²⁰²⁶ Among the challenges identified by *ACM* based on its consultations would also include lack of access to information, cyber bullying, intimidation by elected officials, as well as the economic viability of the press and high labor turnover in newsrooms.²⁰²⁷

900. With respect to the lack of access to information, the State has argued that its current administration would be known for its relationship with the press, "offering an unparalleled number of press conferences, press releases and opportunities for media interaction with the President, Prime Minister, Vice President, Government Ministers, Members of Parliament and all other government officials."²⁰²⁸ Likewise, the State has highlighted to this Office the live broadcasts of Parliament sessions and Public Accounts Committee hearings, as well as the ongoing use of social media and websites by ministries and state agencies to inform the public about relevant policies and programs.²⁰²⁹

901. During the course of the year, the Special Rapporteur also received the report on media literacy, misinformation and trust in the Caribbean media, published by the *Public Media Alliance (PMA)*, the largest global association of public media organizations, which reportedly analyzed the situation in eight Caribbean countries.²⁰³⁰ The Guyana report would have four recommendations, including increasing investment in training for media workers, possibly focused on fact-checking; strengthening media literacy in the national education system; introducing legislative changes to laws that could negatively affect press freedom, such as access to information laws, cybercrime laws and broadcasting laws; and implementing an

²⁰²² Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

²⁰²³ Reporters Without Borders, [2023 World Press Freedom Index: Guyana](#), 3 May 2023.

²⁰²⁴ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

²⁰²⁵ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

²⁰²⁶ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

²⁰²⁷ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

²⁰²⁸ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

²⁰²⁹ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

²⁰³⁰ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2022.

accreditation process to differentiate between media workers and social media influencers or commentators.²⁰³¹

902. According to available information, there would be about 120 media workers in Guyana, employed by approximately 23 radio frequencies, 21 television stations, four daily newspapers, one weekly newspaper, one monthly publication and at least five digital media.²⁰³² The Guyana Press Association (GPA) would, to date, be the only organization representing the national press corps, and would therefore be in charge of all relevant training, including for coverage of the judicial system, crime, and women's and children's issues, among other topics of national interest.²⁰³³ According to the GPA, the association would have a code for covering mental health and suicide, as well as coverage of general elections.²⁰³⁴

903. Based on interviews with media professionals, academics and members of civil society, the PMA would have concluded that most citizens would have difficulty distinguishing reliable sources of information, especially on social media.²⁰³⁵ In this sense, the PMA also concluded that disinformation and propaganda on social networks would be massive, especially on political, health and environmental issues.²⁰³⁶ Finally, the PMA would have identified print media as the most trusted actors among citizens, noting, however, that the level of trust would be highly partisan for most media.²⁰³⁷ In response to a request for information by this Office, the State reportedly argued that technological advances and social media would offer "the Guyanese public a more diverse range of information sources," although they would continue to obtain information from newspapers, radio and television.²⁰³⁸ Likewise, the State has stressed that most commentators and talk shows on social media, among others, would be critical of the current government and would not suffer any type of censorship.²⁰³⁹

904. The Office of the Special Rapporteur has taken note of the reports from national, regional and international press associations, and welcomes the efforts to continue identifying obstacles and formulating recommendations to strengthen freedom of expression and press freedom in the country. Likewise, this Office has taken note of the observations of the State.

905. In 2023, RELE received reports alleging possible instances of intimidation against members of the press, particularly women journalists. According to information received by this Office, on April 14, a Facebook page, allegedly affiliated with the ruling *People's Progressive Party Civic (PPP/C)*, made a derogatory post to reporter Davina Bagot of *Kaieteur News*.²⁰⁴⁰ The publication was aimed at discrediting Bagot, insinuating that she was involved in an extramarital affair with an opposition politician of African descent and

²⁰³¹ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2022.

²⁰³² Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023; Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment of journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

²⁰³³ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

²⁰³⁴ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

²⁰³⁵ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

²⁰³⁶ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

²⁰³⁷ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

²⁰³⁸ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

²⁰³⁹ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

²⁰⁴⁰ Kaieteur News, [GPA, KN Publisher condemns vile smear campaign against journalist](#), 15 April 2023; Stabroek News, [Press association condemns attack on KN reporter by 'Live in Guyana'](#), 15 April 2023.

controlling online troll accounts targeting pro-government publications on social media.²⁰⁴¹ The Guyana Press Association reportedly warned that such behavior could lead to physical assault against Bagot and other media workers.²⁰⁴²

906. On the same day, reporter Nazima Raghubir, president of the Guyana Press Association, was also reportedly the victim of a stigmatizing post by the same Facebook page.²⁰⁴³ The journalist reportedly expressed concern about these online postings for fear that sympathizers of the current administration "would get angry and I would become a target."²⁰⁴⁴ Raghubir would also argue that the attacks against her and her colleague would be due to ethnic tensions as Indo-Guyanese women with Afro-Guyanese partners in a highly divided society.²⁰⁴⁵ In a statement, the Guyana Press Association reportedly condemned the face-to-face and online harassment of women journalists, saying it would support any efforts to have the police investigate violations of the *Cyber Crime Act*, as well as the violation of women's rights through the *Women and Gender Equality Commission*.²⁰⁴⁶

907. According to the State, no measures were taken in favor of journalist Davina Bagot in response to the alleged harassment of which she was a victim, and which was not corroborated by the persons present at the press conference.²⁰⁴⁷ However, the State shared with this Office that the journalist reported the alleged online intimidation to the cybercrime office of the police and the Leonora station.²⁰⁴⁸ The police reportedly did not find the publication in question, as it had been deleted. Additionally, the authorities reportedly attempted to identify a cell phone number or email associated with the accused Facebook page and, despite a request to Meta to obtain this data, it was denied for "not meeting emergency disclosure requirements."²⁰⁴⁹

908. The stigmatization on social media reportedly occurred two weeks after the president held a press conference in which journalists were allegedly forced to sit next to government supporters, according to public information.²⁰⁵⁰ When asking a question about an oil project, reporter Davina Bagot was allegedly intimidated by comments from supporters around her and the president refused to answer her query because "it was not an appropriate time" to answer it.²⁰⁵¹ The president of the Guyana Press Association argued that such behavior would have resulted in self-censorship as no other member of the press would have been able to ask further questions at the meeting.²⁰⁵² According to public information, multiple members of the press have already faced obstacles in covering mining and energy issues, such as the alleged attempt by the

²⁰⁴¹ CFWIJ, [State-Affiliated Trolls Discredit And Intimidate Davina Bagot | CFWIJ Demands Authorities Stop Harassment](#), April 14, 2023; Knight Center, [An increase of online attacks against journalists in Guyana is raising red flags: 5 questions for Nazima Raghubir, Caribbean journalism leader](#), June 12, 2023.

²⁰⁴² Caribbean Loop News, [Guyana Press Association condemns online attack against journalist](#), April 16, 2023.

²⁰⁴³ Live in Guyana, [GPA ELECTIONS: PRIME NEWS IS LONG PAST ITS 'PRIME' NAZIMA](#), April 14, 2023.

²⁰⁴⁴ CFWIJ, [State-Affiliated Trolls Discredit And Intimidate Davina Bagot | CFWIJ Demands Authorities Stop Harassment](#), April 14, 2023.

²⁰⁴⁵ CFWIJ, [State-Affiliated Trolls Discredit And Intimidate Davina Bagot | CFWIJ Demands Authorities Stop Harassment](#), April 14, 2023.

²⁰⁴⁶ Guyana Press Association, [Press release](#), April 3, 2023.

²⁰⁴⁷ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

²⁰⁴⁸ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

²⁰⁴⁹ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

²⁰⁵⁰ Kaieteur News, [PPP supporters intimidate journalists at President's press conference](#), April 2, 2023; Guyana Press Association, [Press release](#), April 3, 2023; Reporters Without Borders, [Guyana's government should ensure that journalists are able to do their jobs free from harassment](#), April 28, 2023.

²⁰⁵¹ Kaieteur News, [PPP supporters intimidate journalists at President's press conference](#), April 2, 2023; Guyana Press Association, [Press release](#), April 3, 2023; Reporters Without Borders, [Guyana's government should ensure that journalists are able to do their jobs free from harassment](#), April 28, 2023.

²⁰⁵² Knight Center, [An increase of online attacks against journalists in Guyana is raising red flags: 5 questions for Nazima Raghubir, Caribbean journalism leader](#), June 12, 2023.

organizers of the energy conference in Guyana, held between February 14 and 17, to prohibit the entry of the media.²⁰⁵³

909. The Rapporteurship received additional reports indicating that journalist Nazima Raghbir has been the victim of repeated instances of stigmatization and discrediting, including of her work as president of the association of the journalistic profession in the country, for her statements following the alleged intimidation of reporter Davina Bagot. According to the information received, Raghbir was criticized through at least eight letters to the editor of the *Guyana Chronicle*, published in different editions of the newspaper,²⁰⁵⁴ as well as by the country's vice-president and members of the government's bench, who allegedly questioned Raghbir's legitimacy as president of the Guyana Press Association.²⁰⁵⁵

910. RELE was informed of another possible instance of intimidation on April 19, 2023. According to information received by this Office, reporter Tamica Garnett of the state-owned newspaper, *The Guyana Chronicle*, was reportedly insulted over the telephone by a member of the opposition while seeking an interview on the local government elections to be held in June of this year.²⁰⁵⁶ The Guyana Press Association, the Association of Caribbean Media Workers and the IFEX-ALC network reportedly condemned what would be at least the third attack on women journalists by government and opposition sectors alike, and therefore made "calls to calm tempers and urge politicians to exercise restraint and encourage their supporters and sympathizers to do the same."²⁰⁵⁷ According to information provided by the State, the possible incidents of intimidation against reporter Tamica Garnett, as well as her colleagues Davina Bagot and Nazima Raghbir, were reportedly condemned by the government, the Guyana Press Association and multiple civil society actors and organizations.²⁰⁵⁸

911. In response to a request for information from this Office, the State reportedly explained that "no formal complaint or approach was ever made to the [Women and Gender Equality] Commission by any of the journalists."²⁰⁵⁹ Similarly, and according to information shared by the State, the Guyana Police Force would have no record of "Ms. Nazima Raghbir, Ms. Tamica Garnett or Ms. Davina Bagot having made any formal complaint at any of their stations or districts throughout the country."²⁰⁶⁰

912. The last intimidation recorded by this office reportedly occurred in November 2022, when two cameramen from the publicly-owned *National Communications Network (NCN)* were allegedly harassed by

²⁰⁵³ Stabroek News, [\[Press release\] Press association slams limitations on media access to energy conference](#), February 14, 2023; Guyana News Room, [Press Association 'bemoans' attempts to block media full access to Energy Conf](#), February 14, 2023.

²⁰⁵⁴ Guyana Chronicle, [\[Letters\] There was no attempt to interrupt the reporter from asking her question](#), April 4, 2023; Guyana Chronicle, [\[Letters\] The integrity of the GPA hangs in the balance](#), May 14, 2023; Guyana Chronicle, [\[Letters\] Rigged elections: Credibility crisis hits the Guyana Press Association](#), May 16, 2023; Guyana Chronicle, [\[Letters\] GPA struggles to maintain credibility amidst controversy](#), May 17, 2023; Guyana Chronicle, [\[Letters\] Where does Ms. Raghbir's methodology leave journalism? Raghbir's methodology leave journalism?](#), July 15, 2023; Guyana Chronicle, [\[Letters\] Raghbir has grossly misrepresented the arrangements in place for the President's press conference](#), July 16, 2023; Guyana Chronicle, [\[Letters\] Is the Press Association being politically weaponised against the government?](#), July 19, 2023.

²⁰⁵⁵ Stabroek News, [McCoy accuses GPA of not representing all media workers' interests](#), May 6, 2023; NCN Guyana, [McCoy blasts GPA's Raghbir statement](#), July 20, 2023; Guyana Chronicle, [Jadgeo roots concern over GPA ownership, accountability](#), May 19, 2023; Knight Center, [An increase of online attacks against journalists in Guyana is raising red flags: 5 questions for Nazima Raghbir](#), [Caribbean journalism leader](#), June 12, 2023.

²⁰⁵⁶ Stabroek News, [Chronicle reporter cursed by APNU's Carol Joseph. GPA calls for apology](#), April 20, 2023; IFEX, [Organizations express solidarity with journalists in Guyana victims of online harassment](#), April 24, 2023.

²⁰⁵⁷ IFEX, [Organizations express solidarity with journalists in Guyana victims of online harassment](#), April 24, 2023.

²⁰⁵⁸ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

²⁰⁵⁹ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

²⁰⁶⁰ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

opposition sectors while trying to cover a political rally.²⁰⁶¹ According to available information, at least one member of the *A Partnership for National Unity + Alliance for Change (APNU + AFC)* political party allegedly asked the cameramen for their press accreditation and then prohibited them from filming the rally, finally calling the police to remove them from the scene.²⁰⁶²

913. The Special Rapporteurship recalls that it is legitimate for politicians and public officials to formulate criticisms, corrections or objections with respect to specific media reports. However, when they do so, they should always take care to ensure that their comments are accurate, avoid stigmatizing and discrediting the media, and not threaten journalists or undermine respect for the independence of the media.²⁰⁶³

914. Likewise, and in view of these complaints, the Rapporteurship recalls that the safety of journalists is a prerequisite for the exercise of the right to freedom of expression and freedom of the press.²⁰⁶⁴ In this sense, States must guarantee that the exercise of journalism and in general the exercise of the right to freedom of expression can be carried out freely and safely, allowing the existence of informed societies.²⁰⁶⁵ Therefore, it is essential that the authorities strongly condemn attacks against journalists and encourage the competent authorities to act with due diligence and speed in the clarification of the facts and the punishment of those responsible when intimidation or attacks occur.²⁰⁶⁶

915. On the other hand, this Office reiterates that the special risks to which women journalists are exposed must be taken into account in order to prevent the intimidation or fear that may be generated by an aggression or the risk of it occurring from influencing the self-censorship of women journalists.²⁰⁶⁷ Therefore, it is also necessary that States adequately instruct public officials, including security forces, on the right of women journalists to carry out their work free of gender-based violence and the impact that the violation of this right by State officials may have on the exercise of their right to freedom of expression.²⁰⁶⁸ Finally, this Office stresses that a public discourse that unequivocally condemns the special risks they face in the exercise of freedom of expression and gender is one of the most effective preventive measures.²⁰⁶⁹

916. During the first half of 2023, the Office of the Special Rapporteur received reports that the vice president of Guyana allegedly used press conferences of the *PPP/C* party, of which he is secretary general, to allegedly stigmatize the press. At the party's first press conference, held on March 23, the vice president allegedly accused the *Stabroek News* of publishing a false editorial.²⁰⁷⁰ Likewise, upon receiving a question from a *Kaieteur News* reporter about the *PPP/C*'s support for the public disclosure of an oil company's expenses, the official reportedly told the reporter of having "an obsession" with "the lies you keep telling every day."²⁰⁷¹ On March 30, the vice president, after receiving questions about the mining-energy sector, reportedly asserted that "newspapers lie every day," arguing that he had already explained that "all the headlines are distorted,"

²⁰⁶¹ Caribbean Loop News, [Guyana: State media house blasts APNU + AFC for 'attack' on cameraman](#), Nov. 7, 2022; Stabroek News, [APNU+AFC denies attacking, intimidating NCN cameramen](#), Nov. 8, 2022.

²⁰⁶² Caribbean Loop News, [Guyana: State media house blasts APNU + AFC for 'attack' on cameraman](#), Nov. 7, 2022; Stabroek News, [APNU+AFC denies attacking, intimidating NCN cameramen](#), Nov. 8, 2022.

²⁰⁶³ OAS, UN, OSCE, ACHPR, Joint Declaration on Media Independence and Diversity in the Digital Age, 2018.

²⁰⁶⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Women Journalists and Freedom of Expression, October 2018, OEA/Ser.L/V/II, IACHR/RELE/INF.20/18, para. 72.

²⁰⁶⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión, March 2017, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, para. 152.

²⁰⁶⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión, March 2017, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, para. 159.

²⁰⁶⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión, March 2017, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, para. 302.

²⁰⁶⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Women Journalists and Freedom of Expression, October 2018, OEA/Ser.L/V/II, IACHR/RELE/INF.20/18, para. 92.

²⁰⁶⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Women Journalists and Freedom of Expression, October 2018, OEA/Ser.L/V/II, IACHR/RELE/INF.20/18, para. 83.

²⁰⁷⁰ Kaieteur News, [YP Jageo uses party press conference to attack media houses](#), April 7, 2023; Peoples Progressive Party, [Press Conference by General Secretary of the People's Progressive Party, Dr. Bharrat Jagdeo](#), March 10, 2023.

²⁰⁷¹ Kaieteur News, [YP Jageo uses party press conference to attack media houses](#), April 7, 2023; Peoples Progressive Party, [Press Conference by General Secretary of the People's Progressive Party, Dr. Bharrat Jagdeo](#), March 23, 2023.

and adding that he would not trust a *Kaieteur News* reporter's coverage of Ministry of Natural Resources matters.²⁰⁷² Finally, on April 6, the vice president reportedly stated that the allegedly misrepresented articles by some media outlets would not be "caused by ignorance," but would be due to "the workings of those with a political agenda."²⁰⁷³

917. Guyana's permanent mission to the OAS reportedly explained that the vice president holds weekly press conferences in his role as secretary general of the party, so he would be within his rights to refuse to answer questions on government affairs in view of this distinction.²⁰⁷⁴

918. In 2023, RELE also registered allegations against the Guyana Press Association (*GPA*). Therefore, RELE was informed of the vice president's pronouncement pointing out an alleged lack of transparency in the election of the *GPA* leadership, scheduled for May 14, 2023.²⁰⁷⁵ According to public information, the official reportedly echoed accusations of the association's alleged refusal to disseminate a list of members eligible to vote and its refusal to incorporate new members in the days prior to the election.²⁰⁷⁶ In addition, the vice president reportedly argued that Guyana's plunge in the *Reporters Without Borders* global freedom of expression index was influenced by the alleged political affiliation of the *GPA*'s executive committee and its decision to send allegedly biased information to *RSF* to delegitimize the government.²⁰⁷⁷ The official also reportedly urged *GPA* president Nazima Raghubir "not to use the PPP/C for her campaign" after she issued a statement on International Press Freedom Day accusing the government of seeking to "derail" the association.²⁰⁷⁸ Additionally, the vice president reportedly criticized the alleged lack of compliance with the Companies Act or the Friendly Society Act, the acceptance of donations from abroad without making public the account in which they would be deposited, and described as "shameful" the alleged evidence that Nazima Raghubir's re-election had been "rigged."²⁰⁷⁹

919. Before this Office, the State has argued that the Guyana Press Association "enjoys an independent and unhindered space to operate and has access to information and government officials, as well as privileges, including sole responsibility for the issuance of official press passes."²⁰⁸⁰ On the occasion of World Press Freedom Day, Guyana's president would have expressed my government's and my country's "commitment to respect for press freedom," reiterating his "condemnation of any attempt to intimidate or attack members of the media."²⁰⁸¹

920. In an effort to improve its relations with public authorities, the Special Rapporteur was informed of a series of meetings organized by the Guyana Press Association with the Police Force and the

²⁰⁷² Kaieteur News, [VP Jagdeo uses party press conference to attack media houses](#), April 7, 2023; Peoples Progressive Party, [Press Conference by People's Progressive Party General Secretary Dr. Bharrat Jagdeo](#), March 30, 2023.

²⁰⁷³ Peoples Progressive Party, [Press Conference by People's Progressive Party General Secretary Dr. Bharrat Jagdeo](#), April 6, 2023; High Commission of the Cooperative Republic of Guyana in the Republic of South Africa, [Jagdeo Blasts "Political Rabble-Rousers" Posing As Media Personnel](#), April 8, 2023.

²⁰⁷⁴ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

²⁰⁷⁵ Guyana News Room, [Jagdeo concerned 'intense rigging, heavy-handedness' afoot in election of new GPA leadership](#), May 12, 2023; Guyana Chronicle, [Jagdeo roots concerns over GPA ownership, accountability](#), May 19, 2023.

²⁰⁷⁶ Guyana News Room, [Jagdeo concerned 'intense rigging, heavy-handedness' afoot in election of new GPA leadership](#), May 12, 2023; Guyana Chronicle, [Jagdeo roots concerns over GPA ownership, accountability](#), May 19, 2023.

²⁰⁷⁷ Guyana Chronicle, [GPA statements an 'orchestrated attempt' to influence international bodies, reports](#), May 6, 2023; Stabroek News, [Guyana's press freedom index dive influenced by sympathy-seeking GPA - Jagdeo](#), May 6, 2023.

²⁰⁷⁸ Guyana Chronicle, [GPA statements an 'orchestrated attempt' to influence international bodies, reports](#), May 6, 2023; Stabroek News, [Guyana's press freedom index dive influenced by sympathy-seeking GPA - Jagdeo](#), May 6, 2023.

²⁰⁷⁹ Guyana News Room, May 12, 2023. [Jagdeo concerned 'intense rigging, heavy-handedness' afoot in election of new GPA leadership](#); Guyana Chronicle, May 19, 2023. [Jagdeo roots concerns over GPA ownership, accountability](#).

²⁰⁸⁰ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

²⁰⁸¹ Guyana News Room, [President Ali reaffirms government's commitment to respecting press freedom](#), May 3, 2023; Stabroek News, [Govt committed to respecting press freedom - Ali](#), May 4, 2023.

Defense Force. Following these meetings, the parties reportedly agreed to exchange information in a timely manner and to ensure training.²⁰⁸²

B. Freedom of expression, rule of law and democratic institutions

921. In response to a request for information from the State on guarantees for journalists to carry out their work freely, independently and safely, the Guyanese authorities reportedly referred to their constitutional order and current regulations. According to the State, the political constitution grants the fundamental right to freedom of expression in Article 146(1) of the constitution, Chapter 1:01, so this would be the main legislative authority that guarantees journalists the freedom to carry out their work freely, independently and safely in Guyana.²⁰⁸³ In addition to this legislative guarantee, the courts of Guyana would be constitutionally mandated to provide redress where the right to freedom of expression is violated or even threatened, as Article 153(1) of the constitution provides for such complaints to be brought before the High Court of Guyana.²⁰⁸⁴ Other constitutional provisions for freedom of expression would be found in Articles 40(1), 146(2 a-d), and 146(3) of the constitution.²⁰⁸⁵

922. With respect to the *Defamation Act [Defamation Act]*, the State has indicated that it should not be considered "anti-press."²⁰⁸⁶ On the contrary, according to information shared with this Office, the Act would seek to "strike a balance between the exercise of a journalist's right to freedom of expression and the rights of other members of Guyanese society."²⁰⁸⁷ Its function, then, would be to "promote the responsible exercise of the right to freedom of expression," without allegedly discriminating against journalists or seeking to hinder the enjoyment of their rights. However, the State would have asserted that "in a democratic society it cannot be contemplated that journalists be granted an unlimited right to freedom of expression while other members of society must, in exercising this same right, respect the rights of others."²⁰⁸⁸

923. On the issue of more explicit constitutional guarantees for freer, independent and safer work by journalists, the State also reportedly noted that the current government "has not exercised or contemplated any policy that is antithetical to notions of 'free press' or broader freedom of expression for any sector of Guyanese society and has consistently demonstrated this stance since 2020."²⁰⁸⁹

924. Finally, the State of Guyana highlighted the passage of the Access to Information Act, Act No. 21 of 2011, more than a decade ago, and which would provide a practical regime for journalists to secure access to information under the control of public authorities that may not be publicly available on websites or other media, "in order to promote transparency and accountability in the operation of government and public

²⁰⁸² Public Media Alliance, [Guyana: Press Association sets out on sensitisation tour in the wake of journalist attacks](#), 25 August 2023.

²⁰⁸³ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

²⁰⁸⁴ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

²⁰⁸⁵ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

²⁰⁸⁶ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

²⁰⁸⁷ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

²⁰⁸⁸ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

²⁰⁸⁹ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

authorities."²⁰⁹⁰ According to the authorities, the law "facilitates journalists and the general public in exercising their right to freedom of expression."²⁰⁹¹ The domestic affairs minister reportedly asserted that such statements could be considered "seditious."

925. So far this year, RELE has recorded multiple protests. In February, this office received reports that Buxton residents reportedly blocked the main road, burned debris, and destroyed property to express their dissatisfaction with members of the Anti-Narcotics Customs Unit for allegedly firing indiscriminately, including at homes, while pursuing a suspect; the police reportedly stated that any roadblocks would be illegal.²⁰⁹² In addition, the police reportedly alleged that residents of the area assaulted officers and destroyed vehicles of the authorities to allegedly rescue the arrestee, for which shots were fired in the air.²⁰⁹³ In March and May, the Rapporteurship was informed of the decision of the Guyana Teachers' Union to hold demonstrations to demand guarantees of security and justice for teachers after more than a dozen were attacked by students,²⁰⁹⁴ as well as to demand better pay; the Minister of Education reportedly called the protesting teachers "insincere" and "opportunists."²⁰⁹⁵ In April, the Rapporteurship learned of protests organized by a civil society organization in front of the President's office to demand that, in the event of an oil spill, the ExxonMobil company assume the full cost.²⁰⁹⁶ In May, RELE received reports of protests over a fire at Mahdia High School in which citizens, including students and parents whose children were reportedly killed or injured, reportedly demanded an investigation into the events.²⁰⁹⁷ In June, the Rapporteurship was informed of a demonstration outside the courts that reportedly gathered more than 30 people to demand that the Minister of Local Government and the Regional Authority be charged for the alleged sexual abuse of a minor of indigenous descent, also demanding full reparations.²⁰⁹⁸

926. This Office recalls that a State may impose reasonable limitations on demonstrations in order to ensure their peaceful conduct or to disperse those that become violent, provided that such limits are governed by the principles of legality, necessity and proportionality. In addition, the deconcentration of a demonstration must be justified by the duty to protect people, and the safest and least harmful measures for the demonstrators must be used. The use of force in public demonstrations must be exceptional and in strictly necessary circumstances in accordance with internationally recognized principles.²⁰⁹⁹

927. However, this Office reiterates that the authorities should not stigmatize or stereotype the demonstrators and their demands, avoiding making generalizations based on the behavior of particular groups or isolated events. In this sense, the authorities should bear in mind that public officials have a position of guarantor of the fundamental rights of individuals and, therefore, their statements cannot constitute forms of

²⁰⁹⁰ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

²⁰⁹¹ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

²⁰⁹² Caribbean Loop News, [Guyana: Buxton residents protest after arrest of alleged drug runner](#), February 1, 2023; Guyana Times, [Unrest erupts at Buxton, truck burnt, road blocked after CANU busts drug trafficker](#), February 2, 2023.

²⁰⁹³ Caribbean Loop News, [Guyana: CANU claims officers were assaulted during Buxton unrest](#), February 2, 2023; Guyana Chronicle, [Ranks assaulted, vehicles destroyed](#), February 2, 2023.

²⁰⁹⁴ Caribbean National Weekly, [Teachers in Guyana stage protest, condemn attack by students](#), March 14, 2023; Guyana Times, [Protests sparked after Fort Wellington teacher attacked, beaten by students, relative](#), March 15, 2023.

²⁰⁹⁵ Kaieteur News, [Teachers take to the streets, begging for higher pay](#), May 31, 2023; Guyana Times, ["Disingenuous" - MOE calls GTUs' protest](#), May 31, 2023.

²⁰⁹⁶ Kaieteur News, [Red Thread urges Guyanese to join protest today for better oil deal](#), April 5, 2023; Stabroek News, [Red Thread protests at OP for commitment on oil spill insurance](#), April 6, 2023.

²⁰⁹⁷ CNN, [At least 19 children killed in school dormitory fire in Guyana](#), May 22, 2023; Stabroek News, [Chenapou residents protest over deadly Mahdia fire](#), May 23, 2023.

²⁰⁹⁸ Caribbean Loop News, [Guyana: Pressure mounts as groups call for Minister to be charged](#), June 23, 2023; St. Vincent times, [Group calls for Guyana government Minister to be charged](#), June 23, 2023.

²⁰⁹⁹ OAS, UN, Joint Declaration on violence against journalists and communicators in the framework of social demonstrations, 2013.

direct or indirect interference in the rights of those who seek to contribute to public deliberation through the expression and dissemination of information.²¹⁰⁰

928. The Special Rapporteurship also recorded lawsuits and progress in defamation proceedings. In May, RELE received reports that former Guyanese President David Ganger would continue to pursue a 2.6 billion Guyanese dollar defamation suit against a public relations consultant and three media outlets, *Kaieteur News*, *Stabroek News* and *Guyana Times*.²¹⁰¹ The former president would accuse the consultant and these three media outlets of insinuating that he had attempted to defy the will of the people in the March 2020 elections.²¹⁰² In October, a court reportedly denied the suspension of a 7.5 million Guyanese dollars judgment against the Speaker of the National Assembly for defaming in public media and social networks a former diplomat and member of the board of directors of Guyana Power & Light (GPL), accusing him of having acquired land irregularly.²¹⁰³ Likewise, in the same month, the Office was informed of the decision of the former mayor of Georgetown, the capital of Guyana, to sue the state-owned media *The Guyana Chronicle* for 200 million Guyanese dollars, alleging that the newspaper had published misleading articles insinuating his participation and responsibility in the breach of contracts.²¹⁰⁴

929. This Office recalls that civil penalties for defamation should not be of such proportions as to have a chilling effect on freedom of expression, and should be designed to restore the damaged reputation, not to compensate the plaintiff or punish the defendant; in particular, monetary penalties should be strictly proportionate to the actual harm caused, and the law should give priority to the use of a range of non-pecuniary remedies.²¹⁰⁵

C. Freedom of expression and the fight against discrimination and exclusion

930. According to the state, Guyana is a "multiracial, multicultural and multiethnic society," so achieving "national unity" would be a "fundamental objective" of the government.²¹⁰⁶ In this regard, the state would avoid all forms of racism and divisive posturing, so that "any form of hate speech, including incitement to racial hostility," would be prohibited by the constitution and expressly excluded from the right to freedom of expression.²¹⁰⁷ In addition, there would be multiple laws that would criminalize, with imprisonment, "any or all forms of racism and racial hatred." These include the Criminal Offences Act, which would contain numerous racial hate crimes, the Racial Hostility Act, the Cybercrimes Act, the Broadcasting Authority Act, and the Summary Jurisdiction Offences Act.²¹⁰⁸

931. In the first half of 2023, the Office of the Special Rapporteur recorded "inciting" statements by a national politician. According to information received by this Office, a member of the *Working People's*

²¹⁰⁰ OAS, UN, Joint Declaration on violence against journalists and communicators in the framework of social demonstrations, 2013.

²¹⁰¹ Kaieteur News, [Full Court allows Granger's appeal against judge's decision on pre-trial review in \\$2.6B libel case](#), April 29, 2023; Stabroek News, [Granger appeals decision in libel case in relation to presiding judge](#), May 17, 2023; iNews Guyana, [Granger appeals Full Court ruling for Justice Singh to preside over defamation trial](#), May 20, 2023.

²¹⁰² Kaieteur News, [Full Court allows Granger's appeal against judge's decision on pre-trial review in \\$2.6B libel case](#), April 29, 2023; Stabroek News, [Granger appeals decision in libel case in relation to presiding judge](#), May 17, 2023; iNews Guyana, [Granger appeals Full Court ruling for Justice Singh to preside over defamation trial](#), May 20, 2023.

²¹⁰³ Stabroek News, [Court denies stay of \\$6.5m libel judgment against Nadir](#), October 13, 2023; Kaieteur News, [Speaker loses bid to appeal \\$7.5M libel judgment](#), October 13, 2023.

²¹⁰⁴ Guyana Standard, [Ex-Mayor Ubraj Narine sues Guyana Chronicle for \\$200 million over libelous reports](#), October 11, 2023; Stabroek News, [Former mayor files \\$200m defamation lawsuit against Guyana Chronicle](#), October 12, 2023.

²¹⁰⁵ OAS, UN, OSCE, Joint Declaration on Censorship through Murder and Defamation, 2000.

²¹⁰⁶ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

²¹⁰⁷ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

²¹⁰⁸ Information sent by the State of Guyana in response to RELE's request for information on alleged intimidation and harassment against journalists, Note No. 094/2023 from the Permanent Mission of Guyana to the OAS, June 6, 2023. Special Rapporteurship file.

Alliance (WPA) party reportedly called at a public event for Afro-Guyanese in the police forces to "take up arms against the government."²¹⁰⁹ The Minister of Home Affairs would have called those qualifications "seditious," so he would expect that "the laws will take their course."²¹¹⁰ The man reportedly secured bail when he appeared in court on charges of attempting to incite racially motivated hostility, although he reportedly pleaded not guilty.²¹¹¹

932. This Office reiterates that politicians and other leadership figures in society should refrain from making statements that encourage or promote intolerance against persons based on protected characteristics, such as race, nationality, or ethnicity.²¹¹² Likewise, the Rapporteurship recalls that when high-level officials engage in hate speech, they affect not only the right to non-discrimination of the affected groups, but also the confidence of those groups in state institutions and, consequently, the quality and level of their participation in democracy. States should take appropriate disciplinary measures with respect to hate speech or incitement to violence committed by public officials.²¹¹³

933. In the context of the International Day for the Elimination of Racism, this Office was informed of the decision to reconstitute the *Ethnic Relations Commission (ERC)*, when the 10 new members of the Commission would have been sworn in.²¹¹⁴ This would be a constitutional body whose membership would have been originally convened by the Parliamentary Appointments Committee of the National Assembly, and implemented with an active broad-based consultative process by civil society organizations, including cultural groups, religious organizations, business, labor, women's and youth groups and other key stakeholders.²¹¹⁵ The Government of Guyana would have reiterated its commitment to ensure that the Commission continues to receive annual budgetary allocations to enable it to effectively implement its mandate to promote the elimination of all forms of discrimination on the basis of ethnicity, as set out in Article 212D of the country's Political Constitution.²¹¹⁶

934. In June, the Rapporteurship learned that the Guyana LGBTI coalition-Guyana Rainbow Foundation (*GuyBow*), Guyana Trans United (*GTU*) and SASOD (*Society Against Sexual Orientation Discrimination*) Guyana-and the British High Commission reportedly organized a 10-day pride festival under the slogan "Decriminalize Sex, Guyana!"²¹¹⁷ The festival would have included a pride parade, drag shows and a symposium, among other activities.²¹¹⁸ The festival's slogan would respond to the clamor of the country's LGBTI population to repeal laws that seek to criminalize consensual sex between men, as would be contemplated by the *Criminal Law (Offences) Act* of 1893, which would criminalize acts of "buggery" and "gross indecency" with a maximum penalty of life imprisonment.²¹¹⁹ In September, the Rapporteurship learned that SASOD Guyana had launched the *Guyana Together* campaign to fight against the stigmatization of the LGBTI

²¹⁰⁹ Guyana News Room, [The law will take its course - Benn says of WPA's 'seditious' statements](#), March 16, 2023; Caribbean Loop News, [Guyanese politician granted bail on racial hostility charge](#), April 3, 2023.

²¹¹⁰ Guyana News Room, [The law will take its course - Benn says of WPA's 'seditious' statements](#), March 16, 2023; Caribbean Loop News, [Guyanese politician granted bail on racial hostility charge](#), April 3, 2023.

²¹¹¹ Guyana News Room, [The law will take its course - Benn says of WPA's 'seditious' statements](#), March 16, 2023; Caribbean Loop News, [Guyanese politician granted bail on racial hostility charge](#), April 3, 2023.

²¹¹² OAS, UN, OSCE, ACHPR, Joint Declaration on Freedom of Expression and Countering Violent Extremism, 2016.

²¹¹³ IACHR, [Violence against LGBTI persons](#), OAS/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015, para. 261.

²¹¹⁴ Government of Guyana - Ministry of Parliamentary Affairs and Governance, [Swearing-in of the Ethnic Relations Commission \(ERC\) Commissioners](#), March 21, 2023.

²¹¹⁵ Government of Guyana - Ministry of Parliamentary Affairs and Governance, [Swearing-in of the Ethnic Relations Commission \(ERC\) Commissioners](#), March 21, 2023.

²¹¹⁶ Government of Guyana - Ministry of Parliamentary Affairs and Governance, [Swearing-in of the Ethnic Relations Commission \(ERC\) Commissioners](#), March 21, 2023.

²¹¹⁷ Guyana News Room, [June Pride Festival to push for tolerance, LGBTQ Coalition urges lawmakers to 'do their part.'](#), May 17, 2023; iNews Guyana, [Guyana Pride Festival to begin June 1](#), May 17, 2023; Guyana Chronicle, [Guyana LGBTQ coalition launches Pride Festival](#), May 19, 2023.

²¹¹⁸ Guyana News Room, [June Pride Festival to push for tolerance, LGBTQ Coalition urges lawmakers to 'do their part.'](#), May 17, 2023; iNews Guyana, [Guyana Pride Festival to begin June 1](#), May 17, 2023; Guyana Chronicle, [Guyana LGBTQ coalition launches Pride Festival](#), May 19, 2023.

²¹¹⁹ Human Dignity Trust, [Guyana](#), undated; Caribbean Loop News, [At a glance: Laws in the Caribbean region that criminalise gay sex](#), June 11, 2023.

population through videos broadcast on social networks and traditional media, as well as to advocate for legislative reform in favor of their rights.²¹²⁰

935. In July, the IACHR granted precautionary measures to the *Indigenous Carib Community of Chinese Landing* [*Indigenous Carib Community of Chinese Landing*] for running a "grave and urgent risk of suffering irreparable harm to their human rights."²¹²¹ According to the commission, members of this community "face threats, harassment and acts of violence in the context of their opposition to mining activities on their lands," for which they would allege repeated incidents of threats and harassment on a daily and regular basis.²¹²² For its part, the State reported on actions to mitigate the alleged risks and investigate the reported situation.²¹²³ Therefore, the IACHR requested Guyana to: (a) take the necessary measures to protect the rights to life and personal integrity of the members of the Carib Indigenous Community of Desembarco Chino identified as beneficiaries, with a cultural, gender-based and age-appropriate perspective to prevent threats, harassment and other acts of violence against the beneficiaries; (b) consult and agree on the measures to be taken with the beneficiaries and their representatives; and (c) report on the steps taken to investigate the events that led to the adoption of this precautionary measure, in order to prevent the recurrence of such events.²¹²⁴

936. Over the course of the year, the Rapporteurship received reports of the government's intention to support *Amerindians*, indigenous Guyanese, through payments from mining and energy revenues.²¹²⁵ The authorities reportedly explained that they would have several million dollars to build schools, safeguard communities from the impacts of climate change and provide jobs.²¹²⁶ State authorities have repeatedly expressed their commitment to the right of indigenous communities to development through the distribution of carbon credit sales, in consultation with indigenous peoples, as well as subsidies for education and access to entrepreneurship and leadership training programs.²¹²⁷ Finally, in 2023, the review process of the *Amerindian Act* would have begun. According to information received by this Office, the process would involve consultations with native communities across the country to address controversial issues such as mining activities in ancestral territories, formulating "clear lines of authority and responsibility [...] separating Amerindian interests from mining interests," according to the Attorney General, adding that "the State will not relinquish those [natural] resources" and that "a *modus vivendi* should be sought between Amerindians and those who are given authority to extract our natural resources."²¹²⁸

937. This Office recalls that in the context of extractive industries in territories inhabited by indigenous and tribal peoples and Afro-descendant communities, active transparency, as a procedural obligation, is embodied in the conditions that must surround "informed consultation," that is, providing information on environmental and health risks in a timely, accessible and sufficient manner; In addition, to ensure that the consulted peoples and communities can understand and make themselves understood and, if

²¹²⁰ Guyana Times, [SASOD launches 'Guyana Together.' aims at law reform for LGTBQ community](#), September 7, 2023; Guyana Chronicle, ['Guyana Together' campaign launched](#), September 9, 2023.

²¹²¹ IACHR, [IACHR Grants Precautionary Measures to Indigenous Carib Community of Chinese Landing in Guyana](#), Communiqué No. 165/23, July 24, 2023.

²¹²² IACHR, [IACHR Grants Precautionary Measures to Indigenous Carib Community of Chinese Landing in Guyana](#), Communiqué No. 165/23, July 24, 2023.

²¹²³ IACHR, [IACHR Grants Precautionary Measures to Indigenous Carib Community of Chinese Landing in Guyana](#), Communiqué No. 165/23, July 24, 2023.

²¹²⁴ IACHR, [IACHR Grants Precautionary Measures to Indigenous Carib Community of Chinese Landing in Guyana](#), Communiqué No. 165/23, July 24, 2023.

²¹²⁵ Caribbean Loop News, February 26, 2023. [President of Guyana defends focus on Amerindian development](#); Radio Jamaica News, February 27, 2023. [Guyanese President defends government's focus on Amerindian development](#).

²¹²⁶ Caribbean Loop News, February 26, 2023. [President of Guyana defends focus on Amerindian development](#); Radio Jamaica News, February 27, 2023. [Guyanese President defends government's focus on Amerindian development](#).

²¹²⁷ St. Vincent Times, July 19, 2023. [Guyana pledges to promote indigenous peoples' rights](#); Caribbean Loop News, August 29, 2023. [Guyana pledges continued support for indigenous communities](#).

²¹²⁸ Stabroek News, [Consultations begins in St. Cuthbert's Mission on revising Amerindian Act](#), August 27, 2023; iNews Guyana, [Mining, other issues to be addressed in revision of Amerindian Act - AG](#), August 31, 2023.

necessary, provide them with interpreters; which includes the possibility that the States provide free and independent technical assistance on mining and hydrocarbon decisions or projects.²¹²⁹

938. In August, RELE received reports that at least five members of John Gladstone's family visited Guyana to publicly apologize for the role their ancestor allegedly played in promoting and maintaining slavery in the country.²¹³⁰ In a joint statement, Gladstone's descendants reportedly admitted that his actions amounted to "a crime against humanity."²¹³¹ The family reportedly donated £100,000 to help fund the International Institute for Migration and Diaspora Studies at the University of Guyana.²¹³² However, authorities and citizens reportedly stated that an apology would not be enough, so reparations would be needed at the family level but also institutionally from the United Kingdom.²¹³³

A. Freedom of expression and the Internet

939. In January, this Office received reports indicating the government's intention to provide Internet to 107 indigenous communities by the end of 2023.²¹³⁴ According to official information, the government is already providing satellite Internet to 60,000 residents in 161 communities in the interior of the country, in addition to having undertaken the construction and equipping of at least 72 ICT centers, in partnership with the United Nations Development Program (UNDP), to close the digital divide and allow residents in remote areas to monitor market prices of primary crops, receive remittances and learn about early weather alerts, among other services.²¹³⁵ The centers, which as of August would have benefited more than 54,000 people, would be operated mostly by women who would support the community in the use of computers.²¹³⁶

940. In April, RELE learned of a partnership between *Guyana Telephone & Telegraph Co (GTT) Ltd* and national internet provider *WANSat Networks Inc.* to launch a program of universal connectivity in the country via satellite broadband to rural and hinterland areas.²¹³⁷ The government has reportedly expressed its support for such private partnerships that would improve the quality of life of citizens through virtual medical consultations and distance education, among other services.²¹³⁸

941. In July, the Special Rapporteur was informed of the parliament's decision to eliminate taxes on cell phones. According to public information, parliamentarians reportedly unanimously approved eliminating the 20 percent tax on these devices so that Guyanese could "have affordable access."²¹³⁹ The measure would make part of a series of commitments that would also include the full adoption of the

²¹²⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, *Guía para el acceso a la información ambiental en contextos de industrias extractivas de minería e hidrocarburos*, 2021, p. 15-16.

²¹³⁰ BBC News, [William Gladstone's family to apologise for slavery links](#), 20 August 2023; Al Jazeera, [Family of former British PM apologises for links to slavery](#), 27 August 2023.

²¹³¹ BBC News, [William Gladstone's family to apologise for slavery links](#), 20 August 2023; Al Jazeera, [Family of former British PM apologises for links to slavery](#), 27 August 2023.

²¹³² BBC News, [William Gladstone's family to apologise for slavery links](#), 20 August 2023; Al Jazeera, [Family of former British PM apologises for links to slavery](#), 27 August 2023.

²¹³³ Associated Press, [Descendants of a British owner of slaves in Guyana apologize as Caribbean nation seeks reparations](#), August 25, 2023; Caribbean Loop News, [Descendants of slave owner offer "sincerest apologies" to Guyana](#), August 25, 2023; Al Jazeera, [Family of former British PM apologizes for links to slavery](#), August 27, 2023.

²¹³⁴ Stabroek News, [Another 107 indigenous communities to have internet by end of year - Singh](#), January 17, 2023.

²¹³⁵ Stabroek News, [Another 107 indigenous communities to have internet by end of year - Singh](#), January 17, 2023; UNDP Latin America and the Caribbean, [Bridging the Digital Divide: Empowering Indigenous Regions through Internet Connectivity in Guyana](#), August 9, 2023.

²¹³⁶ UNDP Latin America and the Caribbean, [Bridging the Digital Divide: Empowering Indigenous Regions through Internet Connectivity in Guyana](#), August 9, 2023.

²¹³⁷ Stabroek News, [GTT, WANSAT launch satellite internet service](#), April 27, 2023; Guyana Chronicle, [GTT Inc. partners with WANSat to offer 'Connectivity Anywhere' in Guyana](#), April 27, 2023.

²¹³⁸ Stabroek News, [GTT, WANSAT launch satellite internet service](#), April 27, 2023; Guyana Chronicle, [GTT Inc. partners with WANSat to offer 'Connectivity Anywhere' in Guyana](#), April 27, 2023.

²¹³⁹ Caribbean Loop News, [Guyanese parliament removes taxes on cell phones](#), July 21, 2023; Guyana Chronicle, [Gov't removes 20 per cent tax on 'cell' phones](#), July 22, 2023.

Telecommunications Act and the Public Utilities Commission Act, both of 2016, to "promote better connectivity, improved access to telecommunications services and a reduction in the cost of those services."²¹⁴⁰

942. In September, the Rapporteurship was informed of the launch of telephone number portability in the country, which would allow consumers to keep their telephone numbers when changing operators.²¹⁴¹ The Public Utilities Commission reportedly stated that such liberalization in the communications sector would improve the quality of service and bring competitive rates and better options for consumers.²¹⁴² The Commission also reportedly established a dedicated Number Portability Working Group (*NPWG*) to manage the process.²¹⁴³

943. The Office of the Special Rapporteur reiterates that actions should be taken to promote, in a progressive manner, universal access not only to infrastructure, but also to the technology necessary for its use and to the greatest possible amount of information available on the network; to eliminate arbitrary barriers to access to infrastructure, technology and online information; and to adopt positive differentiation measures to allow the effective enjoyment of this right by persons or communities that require it due to their circumstances of marginalization or discrimination.²¹⁴⁴ Likewise, in accordance with the principle of universal access, that is, with the rights of equality and non-discrimination, regulatory mechanisms should be established, including pricing regimes, universal service requirements and licensing agreements, to promote broad access to the Internet, including vulnerable sectors and the most remote rural areas.²¹⁴⁵ Finally, this Office recalls that the authorities should encourage educational measures aimed at promoting the ability of all people to make autonomous, independent and responsible use of the Internet and digital technologies, known as digital literacy.²¹⁴⁶

²¹⁴⁰ Guyana Chronicle, [PUC set to introduce Number Portability, enhancing telecom competition](#), September 6, 2023; Guyana News Room, [PUC finalising Number Portability System](#), September 12, 2023.

²¹⁴¹ Guyana Chronicle, [PUC set to introduce Number Portability, enhancing telecom competition](#), September 6, 2023; Guyana News Room, [PUC finalising Number Portability System](#), September 12, 2023.

²¹⁴² Guyana Chronicle, [PUC set to introduce Number Portability, enhancing telecom competition](#), September 6, 2023; Guyana News Room, [PUC finalising Number Portability System](#), September 12, 2023.

²¹⁴³ Guyana Chronicle, [PUC set to introduce Number Portability, enhancing telecom competition](#), September 6, 2023; Guyana News Room, [PUC finalising Number Portability System](#), September 12, 2023.

²¹⁴⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 15.

²¹⁴⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 47.

²¹⁴⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 48.

HAITI

944. Journalism continues to be a risky activity in Haiti, due to the violent and hostile environment faced by press workers. As of the closing date of this annual report, RELE recorded the murder of at least three journalists, the kidnapping of at least seven journalists or media executives, the forced displacement of nearly a dozen journalists, and at least one attack against media facilities. On the other hand, RELE learned of at least one advance in the prosecution of those responsible for an attack against a radio station in a court in the United States, but none in the country. As a result of the increase in the rates of violence, this Office recorded multiple protests by affected sectors, although some of these allegedly ended in violent acts, the dispersal of crowds with tear gas and, in the most severe case, in the murder of seven demonstrators by a gang. During the course of the year, the Rapporteurship registered at least one lawsuit for criminal defamation following the refusal of an independent media outlet to reveal its sources in a report that would point to the owner and CEO of one of the country's most prosperous companies. In the area of freedom of expression and the fight against discrimination and exclusion, RELE was informed of the persistence of a severe humanitarian crisis and the prevalence of gender-based violence. Finally, with respect to freedom of expression on the Internet, RELE received reports that criminal gangs are reportedly cutting fiber optic cables to sabotage citizens' communications.

A. Journalism and democracy

945. Haiti is one of the most violent countries in which to practice journalism²¹⁴⁷. This is inserted in a context of social, economic and political crisis, derived from political instability, as indicated by the Office of the High Commissioner for Human Rights of the United Nations (UN)²¹⁴⁸. In this sense, the Office of the Special Rapporteur recognizes the challenges faced by Haiti in complying with its international obligations in terms of combating violence and impunity against the press²¹⁴⁹. As of the closing date of this annual report, the Office of the Special Rapporteur has learned of several armed attacks, aggressions and threats against the press, which are part of a context of increased violence by armed gangs in Haiti²¹⁵⁰.

946. In 2023, the Office of the Special Rapporteur continued to record lethal attacks against media workers after reporting at least seven homicides of journalists in 2022.²¹⁵¹ Because of the above, this Office also recorded the country's drastic decline in the freedom of expression and press freedom indexes of *Reporters Without Borders* and *Freedom House*²¹⁵². Both organizations would point out that the work of journalists in the country would be limited by threats, kidnappings and lethal violence, the prevalence of impunity, alleged government interference and lack of financial resources²¹⁵³.

947. In April, this Office learned of the murder of journalist Dumesky Kersaint, who worked for *Radio Télé Inurep*. According to available information, the events took place in the early hours of April 16, in the Mahotiere 83 neighborhood, in the municipality of Carrefour. According to local media reports, Kersaint was shot by gunmen, which resulted in his instant death²¹⁵⁴. The Haitian National Media Association (ANMH) issued a statement condemning "the climate of tolerated and fueled violence, which led to the death of INUREP

²¹⁴⁷ Inter American Press Association, [Haiti, Report to the Mid-Year Meeting 2023](#), April 27, 2023.

²¹⁴⁸ UN, Office of the High Commissioner for Human Rights, [Haiti - gang violence](#), March 21, 2023.

²¹⁴⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, [RELE condemns attacks on journalists in Haiti and calls on the State to investigate the facts and punish those responsible](#), Press Release R88/23, May 18, 2023.

²¹⁵⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, [RELE condemns the escalation of violence against journalists in Haiti and calls for comprehensive solutions with the accompaniment of the international community](#), Press Release No. R237/33, October 3, 2023.

²¹⁵¹ IACHR, Annual Report 2022, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50, March 6, 2023, para. 814.

²¹⁵² Reporters Without Borders, [2023 World Press Freedom Index: Haiti](#), May 3, 2023; Freedom House, [Freedom in the World 2023: Haiti](#), June 21, 2023.

²¹⁵³ Reporters Without Borders, [2023 World Press Freedom Index: Haiti](#), May 3, 2023; Freedom House, [Freedom in the World 2023: Haiti](#), June 21, 2023.

²¹⁵⁴ Le Facteur Haïti, [Haïti-Insécurité: Le journaliste Dumesky Kersaint tué par balles à Carrefour](#), April 17, 2023; TeleSUR, [Haitian Journalist Assassinated in Carrefour](#), April 17, 2023; Fundamedios, [Otro periodista asesinado en Haïti](#), April 17, 2023.

journalist Dumesky Kersaint."²¹⁵⁵ Kersaint was reportedly a reporter at the online radio station *Radio Tele INUREP*, where he reportedly specialized in covering demonstrations²¹⁵⁶.

948. In addition, according to available information, on April 25, journalist Ricot Jean of *Radio-Télé Evolution Inter* was murdered in the commune of Saint-Marc by unidentified armed men. In this context, a relative accompanying him was also reportedly killed and their lifeless bodies were found in the uninhabited area known as "Anba Gwomòn"²¹⁵⁷.

949. In addition to the above-mentioned events, on May 5, journalist Paul Jean Marie, host of the program "A Voice in the Night" on *Radio Lumière*, was murdered. The reporter was the victim of an armed attack by unidentified individuals who entered his residence in Onaville, Croix-des-Bouquets, Port-au-Prince²¹⁵⁸.

950. The Office of the Special Rapporteur condemned these events and called on the State to investigate the facts in a complete, effective and impartial manner, to determine the possible link with the informative work, and to punish those responsible²¹⁵⁹. According to Principle 9 of the Declaration of Principles on Freedom of Expression of the IACHR, "[t]he murder, kidnapping, intimidation, threats to social communicators, as well as the material destruction of the media, violate the fundamental rights of individuals and severely restrict freedom of expression. It is the duty of States to prevent and investigate these acts, punish the perpetrators and ensure adequate reparation for the victims"²¹⁶⁰.

951. Acts of violence against journalists have a triple effect: they violate the right of the victims to express and disseminate their ideas, opinions and information; they have a chilling and silencing effect on their peers; and they violate the rights of individuals and societies in general to seek and receive information and ideas of any kind. The consequences for democracy, which depends on a free, open and dynamic exchange of ideas and information, are particularly serious. The authorities should strongly condemn violence against journalists and encourage the competent authorities to act with due diligence and speed in clarifying the facts and punishing those responsible²¹⁶¹.

952. The Special Rapporteur was informed of the kidnapping of at least seven journalists by local gangs²¹⁶² in an attempt to control the Haitian capital after a group of vigilantes forced them to retreat in some areas²¹⁶³. It should be noted that gang violence in the country reportedly increased following the crisis triggered by the assassination of President Jovenel Moïse in July 2021²¹⁶⁴. The Office will proceed to describe these kidnappings.

953. Jean Thony Lorthé, a journalist with *Radio Vision 2000*, was reportedly kidnapped on February 3, allegedly by the criminal group "Ti Makak," along with his brother and a member of his family, while they

²¹⁵⁵ Le Facteur Haïti, [Haïti-Insécurité: Le journaliste Dumesky Kersaint tué par balles à Carrefour](#), 17 April 2023; Loop Haiti News, [Assassinat du jeune journaliste Dumesky Kersaint à Carrefour](#), 17 April 2023.

²¹⁵⁶ Le Facteur Haïti, [Haïti-Insécurité: Le journaliste Dumesky Kersaint tué par balles à Carrefour](#), 17 April 2023; Committee to Protect Journalists, [Radio journalist Dumesky Kersaint shot and killed in Haiti](#), 27 April 2023.

²¹⁵⁷ Inter American Press Association, [Ricot Jean worked for Radio-Télé Evolution Inter. He is the fifth journalist killed since last October](#), 25 April 2023; The Guardian, [Two more journalists killed in Haiti as gang violence continues to rage](#), 28 April 2023.

²¹⁵⁸ Juno 7, [Croix-des-Bouquets: Paul Jean Marie, animateur à Radio Lumière, tué chez lui par des individus armés](#), May 6, 2023; Caribbean Loop News, [Un journaliste haïtien tué à Croix-des-Bouquets](#), May 8, 2023.

²¹⁵⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, [RELE condemns attacks on journalists in Haiti and calls on the State to investigate the facts and punish those responsible](#), Press Release R88/23, May 18, 2023.

²¹⁶⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Declaration of Principles on Freedom of Expression](#).

²¹⁶¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Violence against journalists and media workers: Inter-American standards and national practices on prevention, protection and the pursuit of justice. 2013. OEA/Ser.L/V/II. IACHR/RELE/INF.12/13, para. 287.

²¹⁶² The Inter American Press Association ([IAPA](#)) [condemned the actions of gangs that continue to attack, kidnap and murder journalists with total impunity](#), September 7, 2023.

²¹⁶³ The New York Times, [Vigilante Justice Rises in Haiti and Crime Plummets](#), June 4, 2023; Associated Press, [Haiti human rights group warns kidnapping and killings are on the rise after a brief respite](#), July 14, 2023.

²¹⁶⁴ Reuters, [Haiti marks anniversary of Moïse murder as gang violence spirals](#), July 7, 2023; The Guardian, [Haiti crisis: how did it get so bad, what is the role of gangs, and is there a way out?](#), January 12, 2023.

were on their way to a funeral at Carrefour, at the southern entrance to Port-au-Prince²¹⁶⁵. The radio broadcaster was the host of the Creole program "Rafrechi memwa" and, according to public information, the kidnappers allegedly demanded large sums of money for his release and that of his companions²¹⁶⁶. The Association of Haitian Journalists demanded that the kidnappers release the group, pointing out that Lorthé's family would not have the economic capacity to pay a ransom and that the journalist would suffer serious health problems²¹⁶⁷. After 15 days, the Rapporteurship was informed of Lorthé's release after payment of a ransom²¹⁶⁸.

954. Following the kidnapping of Jean Thony Lorthé, the Office of the Special Rapporteur received reports that his case had led to a work stoppage by his colleagues at *Radio Vision 2000*²¹⁶⁹. In addition, dozens of media workers in the Haitian capital gathered in mid-February to demand Lorthé's release and to denounce before the Ministries of Culture and Communication and of Justice and Public Security the "complicit silence" of the authorities in the face of the insecurity that the country is experiencing²¹⁷⁰. Likewise, the secretary general of the Association of Haitian Journalists, Jacques Desrosiers, reportedly asked the government to adopt measures to facilitate the release of his colleague and to restore peace so that reporters can carry out their work²¹⁷¹.

955. Lebrun Saint-Hubert, president and general manager of the community radio station *RCH 2000*, was reportedly kidnapped on March 17 inside the station, located in the Delmas district, northeast of Port-au-Prince²¹⁷². According to available information, the media executive and police inspector was reportedly seized by men disguised as agents of the Central Directorate of the Haitian Judicial Police [*Direction centrale de la Police judiciaire (DCPJ)*]²¹⁷³. Saint-Hubert was reportedly released on March 25 after payment of a ransom; the kidnappers reportedly demanded US\$1.5 million for his release, but neither the authorities nor the family or colleagues have confirmed the delivery of this amount of money²¹⁷⁴.

956. Sandra Duvivier, a well-known cultural journalist, cameraman and member of the staff of Telemax, TV channel 5, has been reported missing since March 27, so it is assumed that she has been kidnapped²¹⁷⁵.

957. Robert Denis, general manager of the private television station *Canal Bleu*, was reportedly kidnapped on April 11 in Petion Ville, a sector of the Haitian capital. According to local media, Denis was reportedly kidnapped by men belonging to the gang known as "Kraze Baryè"²¹⁷⁶. The National Association of Haitian Media [*l'Association nationale des médias haïtiens (ANMH)*] reportedly expressed concern for the

²¹⁶⁵ International Federation of Journalists, [Haiti: journalist Jean Thony Lorthé was kidnapped by a criminal group](#), February 7, 2023; EFE, [Banda demands \\$200,000 to free kidnapped journalist in Haiti](#), February 9, 2023.

²¹⁶⁶ International Federation of Journalists, [Haiti: journalist Jean Thony Lorthé was kidnapped by a criminal group](#), February 7, 2023; EFE, [Banda demands \\$200,000 to free kidnapped journalist in Haiti](#), February 9, 2023.

²¹⁶⁷ Associated Press, [Haitian journalist snatched as kidnapping scourge continues](#), 8 February 2023; EFE, [Gang demands \\$200,000 to free kidnapped journalist in Haiti](#), 9 February 2023.

²¹⁶⁸ Juno7, [Après 15 jours de séquestration, le journaliste Jean Thony Lorthé libéré contre rançon](#), February 17, 2023; Inter American Press Association, [Liberan a periodista secuestrado en Haití](#), February 20, 2023.

²¹⁶⁹ Juno7, [Marche pacifique à Port-au-Prince pour exiger la libération du journaliste Jean Thony Lorthé](#), February 14, 2023; Inter American Press Association, [Liberan a periodista secuestrado en Haití](#), February 20, 2023.

²¹⁷⁰ Inter American Press Association, [Liberan a periodista secuestrado en Haití](#), February 20, 2023; Juno7, [Marche pacifique à Port-au-Prince pour exiger la libération du journaliste Jean Thony Lorthé](#), February 14, 2023.

²¹⁷¹ Juno7, [Marche pacifique à Port-au-Prince pour exiger la libération du journaliste Jean Thony Lorthé](#), February 14, 2023; Associated Press, [Journalists in Haiti demand release of journalist](#), February 19, 2023.

²¹⁷² Rezo Nodwes, [Insécurité: le PDG de la radio RCH 2000, Lebrun Saint-Hubert, kidnappé par des individus armés](#), March 17, 2023; Inter American Press Association, [He was released after eight days in captivity](#), March 27, 2023.

²¹⁷³ Rezo Nodwes, [Insécurité: le PDG de la radio RCH 2000, Lebrun Saint-Hubert, kidnappé par des individus armés](#), March 17, 2023; Caribbean Loop News, [Un inspecteur de police et responsable de média kidnappé à Delmas](#), March 17, 2023; Inter American Press Association, [He was released after eight days in captivity](#), March 27, 2023.

²¹⁷⁴ Caribbean Loop News, [Libération du directeur de RCH 2000 et d'un fonctionnaire de l'État](#), March 26, 2023; Inter American Press Association, [He was released after eight days in captivity](#), March 27, 2023.

²¹⁷⁵ Nancy Roce Twitter account (@TheNancyRoc), [March 28, 2023](#); Inter American Press Association, [Asesinan de varios desaparecidos a joven periodista en Haití](#), April 18, 2023.

²¹⁷⁶ Vant Bèf Info (VBI), [Haïti-Kidnapping: Robert Denis est souffrant. L'ANMH réclame sa libération immédiate](#), April 12, 2023; Inter American Press Association, [Robert Denis was kidnapped on April 11 in Petion Ville](#), April 13, 2023.

journalist's health since he had undergone several operations for heart problems, was not in good health and was in the midst of recovery at the time of his abduction²¹⁷⁷. On April 20, the Rapporteurship was informed of the release of Denis²¹⁷⁸. On June 24, the journalist was reportedly elected president of the ANMH, where he had already served as vice-president on two occasions²¹⁷⁹.

958. Marie Lucie Bonhomme, of *Radio Vision 2000* and owner of *Télé Pluriel*, was reportedly kidnapped for a few hours on June 13 in the early hours of the morning at her place of residence, located in the commune of Tabarre, on the outskirts of Port-au-Prince, and controlled by local gangs²¹⁸⁰. According to the journalist and media executive, the gang known as "*Kraze Baryè*" allegedly "ransacked my house and stole an as yet undetermined amount of items." Although the alleged leader of this gang allegedly released her in a short time, the gang allegedly kept her car and some stolen devices, including laptops, her cell phone and an iPad until June 14 and 16²¹⁸¹.

959. Pierre-Louis Opont, former president of the Provisional Electoral Council and owner with his wife, Marie-Lucie Bonhomme, of the independent television station *Télé Puriel*, was reportedly kidnapped on June 20, a week after his wife²¹⁸². The media executive was reportedly captured by illegal gangs while driving home late at night²¹⁸³. According to his family, Opont was reportedly released as late as August 25, more than two months after his abduction, after a payment was made for his release²¹⁸⁴.

960. Blondine Tanis, of *Radio Rénovation FM* (107.1FM), was reportedly kidnapped on July 21 and then released nine days later, on July 30²¹⁸⁵. According to available information, the journalist was kidnapped when she was about to enter her home, located in the Haitian capital, after work.²¹⁸⁶ On July 22, the kidnappers reportedly contacted Tanis' family, demanding "a large sum of money, beyond the family's means"²¹⁸⁷. The radio station, where the reporter is the host of the program "*Tribunale Matinale*", issued a communiqué informing that all its programming would be suspended until the appearance alive of its employee²¹⁸⁸.

961. Other victims of local gangs who were reportedly forced to leave their homes in August because of death threats include Réginald Esaie Orélus and Richardson Jourdan of *Radio Television Nationale*

²¹⁷⁷ Vant Bèf Info (VBI), [Haïti-Kidnapping: Robert Denis est souffrant, l'ANMH réclame sa libération immédiate](#), April 12, 2023; Inter American Press Association, [Robert Denis was kidnapped on April 11 in Petion Ville](#), April 13, 2023...

²¹⁷⁸ InfoHaiti, [Libération de Robert Denis enlevé le 11 avril dernier](#), April 20, 2023; Gazette Haiti, [Robert "Bobby " Denis, vice-président de l'ANMH, libéré](#), April 20, 2023.

²¹⁷⁹ Caribbean Loop News, [Robert Denis, nouveau président de l'association des médias haïtiens](#), 26 June 2023; Le Nouvelliste, [Robert Denis, nouveau président de l'Association nationale des médias haïtiens \(ANMH\)](#), 26 June 2023.

²¹⁸⁰ Inter American Press Association, [Journalists, media workers and executives are targets of gang attacks, kidnappings and murders](#), June 14, 2023; Committee to Protect Journalists, [Haitian radio reporter Blondine Tanis kidnapped amid wave of abductions](#), July 26, 2023.

²¹⁸¹ Coalition For Women In Journalism, [Haiti: Criminal Gang Abducts Well-known Journalist Marie Lucie Bonhomme Opont](#), June 13, 2023; Reporters Without Borders, [RSF urges Haitian authorities to mobilize all their resources to find the owner of the Télé Pluriel network](#), August 29, 2023; Committee to Protect Journalists, [Haitian television station owner disappears days after brief abduction of his journalist wife](#), June 22, 2023.

²¹⁸² Committee to Protect Journalists, [Haitian television station owner disappears days after brief abduction of his journalist wife](#), 22 June 2023; Reporters Without Borders, [RSF urges Haitian authorities to mobilize all their resources to find the owner of the Télé Pluriel station](#), 29 August 2023.

²¹⁸³ Committee to Protect Journalists, [Haitian television station owner disappears days after brief abduction of his journalist wife](#), 22 June 2023; Reporters Without Borders, [RSF urges Haitian authorities to mobilize all their resources to find the owner of the Télé Pluriel station](#), 29 August 2023.

²¹⁸⁴ Caribbean Loop News, [L'ancien président du CEP, Pierre Louis Opont, libéré après deux mois](#), 28 August 2023; Reporters Without Borders, [RSF urges Haitian authorities to mobilize all their resources to find the owner of the Télé Pluriel chain](#), 29 August 2023.

²¹⁸⁵ InfoHaiti, [La journaliste de la radio Rénovation FM, Blondine Tanis, enlevée ce vendredi à Port-au-Prince](#), 21 July 2023; International Federation of Journalists, [Haiti: Journalist kidnapped by criminal group in Port-au-Prince](#), 24 July 2023; TeleSUR, [Kidnapped journalist Blondine Tanis freed in Haiti](#), 31 July 2023.

²¹⁸⁶ Solidarité des Femmes Haïtiennes Journalistes (sofehj), [La Solidarité des Femmes Haïtiennes Journalistes demande la libération sans raison de la Journaliste Blondine Tanis](#), July 24, 2023; Radio Free, [HAITIAN RADIO REPORTER BLONDINE TANIS KIDNAPPED AMID WAVE OF ABDUCTIONS](#), July 26, 2023.

²¹⁸⁷ Committee to Protect Journalists, [Haitian radio reporter Blondine Tanis kidnapped amid wave of abductions](#), July 26, 2023; International Federation of Journalists, [Haiti: Journalist kidnapped by criminal group in Port-au-Prince](#), July 24, 2023.

²¹⁸⁸ Radio Rénovation FM, [Note de Solidarité](#), July 22, 2023; Le Nouvelliste, [Des associations demand the release of journalist Blondine Tanis](#), July 24, 2023.

d'Haiti (TNH); Jacques Desrosiers of the Association *des journalistes haïtiens*; Celou Flécher and Dessources Dieumaitre of *Le Facteur* and *Fact Checking News*; and Samuel Dallemand and Rubens Artist of *Télé Ginen*. Also Jean Yves Saint-Louis, from *Radio Lumière*; Kettia Marcellus, from Solidarity of Haitian Women Journalists; Jacques Stevenson Saint-Louis, from Radio Educative, of the Ministry of Education; Judex Vélina, from *Télé Espace*, and Arnold Junior Pierre, from *Radio Télé Galaxie*²¹⁸⁹.

962. On August 23, unidentified armed individuals set fire to the home of *Radio Télé Galaxie* journalist Arnold Junior Pierre, who managed to escape unharmed with his family²¹⁹⁰. Thousands of people reportedly fled Carrefour-Feuilles amid violence unleashed by the *Grand Ravine* gang, allegedly responsible for injuring and murdering citizens, as well as burning and looting their homes²¹⁹¹. Previously, on July 31, Pierre was reportedly assaulted by a group of hooded individuals while covering a demonstration in the southwest area of Port-au-Prince, for which he had to receive medical treatment²¹⁹².

963. On July 20, reporters Daniel Lamartinière, of the news portal Vant Bèf info, and Jameson Jean Baptiste, of JB Média, were also reportedly beaten by a police officer while covering a demonstration against the Prime Minister's government, despite their clear identification as journalists²¹⁹³. According to local media, Lamartinière had already suffered eye injuries in February 2022, after police officers fired tear gas, lethal bullets and rubber bullets when the march he was covering "had not even started", according to local media; in January 2021, the reporter was also reportedly injured in the face during another march in which the police intervened²¹⁹⁴.

964. On August 11, Brown Larose, host of the weekly radio program "Pawòl Geto", broadcast on *Radio Télé Éclair*, was the victim of an armed attack outside his residence in the Delmas neighborhood of eastern Port-au-Prince by an unidentified man²¹⁹⁵. Larose was immediately taken to hospital, and the latest medical report is that his condition is stable. According to public information, the journalist had previously received threats related to his coverage of armed groups and his criticism of the current administration²¹⁹⁶.

965. The Rapporteurship has also received information on attacks against media facilities in other parts of the country. On July 23, in the commune of Liancourt, Artibonite region, gang members reportedly set fire to the facilities of *Radio Antarctique*, destroying its transmission equipment and antenna; however, the 15 employees were reportedly unharmed²¹⁹⁷. According to public information, the leader of one of the illegal gangs reportedly accused the station's director and founder, Roderson Elias, of turning local residents against

²¹⁸⁹ Committee to Protect Journalists, [Reporters in Haiti flee gang violence surge in capital's Carrefour Feuilles neighborhood](#), September 6, 2023; Inter American Press Association, [IAPA condemned the actions of gangs that continue to attack, kidnap and murder journalists with total impunity](#), September 7, 2023.

²¹⁹⁰ Committee to Protect Journalists, [Haitian radio journalist's home destroyed in arson attack](#), August 30, 2023.

²¹⁹¹ Reuters, [Haiti aid groups halt operations as thousands flee gang warfare](#), 17 August 2023; The Haitian Times, [Carrefour-Feuilles, Haiti residents seek refuge from gangs](#), 18 August 2023.

²¹⁹² Inter American Press Association, [Agreden a periodista mientras cubría manifestación en la capital de Haití](#), August 9, 2023; Committee to Protect Journalists, [Reporters in Haiti flee gang violence surge in capital's Carrefour Feuilles neighborhood](#), September 6, 2023.

²¹⁹³ Le Nouvelliste, [Deux journalistes agressés physiquement par un policier](#), July 24, 2023; Inter American Press Association, [Agreden a periodista mientras cubría manifestación en la capital de Haití](#), August 9, 2023.

²¹⁹⁴ Vant Bèf Info (VBI), [Vant Bèf Info \(VBI\) dénonce la brutalité policière subie par son journaliste Pierre Daniel Lamartinière dans l'exercice de ses fonctions aujourd'hui à Musseau](#), 20 July 2023; FCN Haiti, [Manifestion anti-Ariel: un journaliste de Vant Bèf Info victime de brutalité policière](#), 20 July 2023.

²¹⁹⁵ Gazette Haiti, [Brown Larose, un animateur de l'émission "Matin Débat", blessé par balles](#), August 11, 2023; Inter American Press Association, [Gang violence directly affects a dozen journalists in Haiti](#), September 7, 2023.

²¹⁹⁶ Committee to Protect Journalists, [Haitian radio commentator Brown Larose shot in Port-au-Prince](#), August 16, 2023; Inter American Press Association, [Gang violence directly affects a dozen journalists in Haiti](#), September 7, 2023.

²¹⁹⁷ Metropole, [Liancourt, Artibonite, en proie à la violence des bandits de Savien](#); Le Nouvelliste, 24 July 2023. [Week-end tragique à Liancourt](#), 23 July 2023; Committee to Protect Journalists, [Haitian broadcaster Radio Antarctique burned down in gang attack](#), 28 July 2023.

his organization and revealing its location. A regional government official confirmed the attack and acknowledged the difficulty faced by law enforcement in responding to recurring events of this type²¹⁹⁸.

966. This Office recalls that States have the obligation to adopt measures to prevent violence against journalists and media workers; this obligation is accentuated in situations or areas where there is or has been detected a special risk for journalists working in the media²¹⁹⁹. Likewise, it is crucial that States comply with their obligation to investigate in order to find the perpetrators and masterminds of these crimes, to ensure justice in the specific case, to avoid its repetition, to make reparations to the victims and to avoid the inhibiting effect that violence has on communicators²²⁰⁰.

967. As contemplated in the Inter-American legal framework on the right to freedom of expression, the Rapporteurship also reiterates that communicators have the right to receive State protection against circumstances that may threaten their safety, personal integrity or life by reason of the exercise of their profession²²⁰¹. The Inter-American human rights system has considered that the combination of violence against journalists and impunity has a highly negative impact not only on the journalists themselves and their families, but on society as a whole, as it deprives citizens of information on issues that affect them, such as organized crime, drug trafficking and political corruption²²⁰².

968. In view of the foregoing considerations, the Office of the Special Rapporteur calls on the Haitian State to fully, effectively and impartially investigate what happened, to prosecute and punish those responsible, and to adopt all necessary measures within its reach to protect journalists at risk²²⁰³. For this to be possible, the proactive accompaniment of the international community is important in order to seek comprehensive and lasting solutions to the worsening public insecurity and impunity for human rights violations in Haiti²²⁰⁴.

B. Freedom of expression, rule of law and democratic institutions

969. As of January 2023, Haiti would have no elected officials after the term of office of a dozen senators expired²²⁰⁵. The constitutional mandate of the de facto ruler, Prime Minister Ariel Henry would have ended more than a year ago²²⁰⁶. The country has also been without a president since the assassination of Jovenel Moïse in mid-2021. Likewise, the senate and the chamber would have all their seats vacant, and elected mayors throughout the country would have been renominated or replaced in 2020²²⁰⁷.

²¹⁹⁸ Le Nouvelliste, [Week-end tragique à Liancourt](#), July 24, 2023; Committee to Protect Journalists, [Haitian broadcaster Radio Antartique burned down in gang attack](#), July 28, 2023.

²¹⁹⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, March 2017, para. 155.

²²⁰⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, March 15, 2017, para. 31.

²²⁰¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II, IACHR/RELE/INF. 2/09, December 30, 2009, para. 178.

²²⁰² IACHR, Office of the Special Rapporteur for Freedom of Expression, [RELE condemns the escalation of violence against journalists in Haiti and calls for comprehensive solutions with the accompaniment of the international community](#), Press Release No. R237/33, October 3, 2023.

²²⁰³ IACHR, Office of the Special Rapporteur for Freedom of Expression, [RELE condemns the escalation of violence against journalists in Haiti and calls for comprehensive solutions with the accompaniment of the international community](#), Press Release No. R237/33, October 3, 2023.

²²⁰⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, [RELE condemns the escalation of violence against journalists in Haiti and calls for comprehensive solutions with the accompaniment of the international community](#), Press Release No. R237/33, October 3, 2023.

²²⁰⁵ The Guardian, [Haiti left with no elected government officials as it spirals towards anarchy](#), January 10, 2023; NPR, [As its only remaining elected officials depart, Haiti reaches a breaking point](#), January 18, 2023.

²²⁰⁶ The Guardian, [Haiti left with no elected government officials as it spirals towards anarchy](#), January 10, 2023; NPR, [As its only remaining elected officials depart, Haiti reaches a breaking point](#), January 18, 2023.

²²⁰⁷ The Guardian, [Haiti left with no elected government officials as it spirals towards anarchy](#), January 10, 2023; NPR, [As its only remaining elected officials depart, Haiti reaches a breaking point](#), January 18, 2023.

970. According to the latest *Reporters Without Borders* Press Freedom Index, press workers reportedly face multiple obstacles to the realization of their right to press freedom. Therefore, despite reporting credible death threats to the authorities, journalists would not benefit from any protection measures²²⁰⁸. Furthermore, *Freedom House* argues that the Haitian judiciary would face a multitude of challenges, such as corruption, security concerns, lack of accountability, political interference and arbitrariness in operations, which would render it ineffective by any standard²²⁰⁹.

971. With regard to progress in the prosecution of perpetrators of violence against journalists, in March 2023, the Office of the Special Rapporteur was informed of a court ruling in Boston, United States, that former Haitian mayor Jean Morose Viliena was responsible for an armed attack on the community radio station *New Vision Radio* in 2008²²¹⁰. According to available information, the radio station, located in Les Irois, was operated and financed by members of the *Struggling People's Organization*, and broadcast local news, political debates and gospel music.²²¹¹ Viliena allegedly ordered the local *Korega* militia to attack the radio station and shoot at the people there, including building owner Nissage Martyr and local high school student Juders Ysemé²²¹². After being arrested and temporarily released by Haitian authorities, Viliena reportedly fled to the United States, for which the plaintiffs have reportedly filed a civil suit in the United States based on the Torture Victim Protection Act of 1991, which permits the filing of U.S. civil suits against foreign officials who allegedly committed wrongdoing in their home countries, assuming that all legal avenues in their home country have been exhausted²²¹³. The plaintiffs, including the son of the owner of the building where the radio station operated, reportedly received \$15.5 million in damages, including \$11 million in punitive damages from the jury for the attacks on the station, as well as for other instances of political violence²²¹⁴.

972. This Office recalls that the obligation to investigate, prosecute and punish criminally requires States to investigate violence against journalists without delay and using all available legal means, with the aim of clarifying the truth and ensuring that the perpetrators are identified, prosecuted and punished. In this regard, States should adopt an appropriate institutional framework that enshrines entities with sufficient independence and capacity to investigate, prosecute and punish violence against journalists, including, where necessary, specialized investigative units or specialized courts²²¹⁵. States also have the duty to ensure that the punishment applied to persons convicted of acts of violence committed against journalists and media workers in the exercise of their profession is proportionate and effective²²¹⁶.

973. At the beginning of the year, the Rapporteurship was informed of a series of protests in Port-au-Prince following the killing of police officers by gangs. At the end of January 2023, at least ten officers were reportedly killed in clashes with illegal groups, another officer was missing, and another was hospitalized, according to multiple reports²²¹⁷. Public information indicates that more than a hundred demonstrators, including civilians, retired officers and current officers belonging to the group known as *Fantom 509*, blocked roads, fired weapons into the air, and broke the doors of the capital's airport and the Prime Minister's

²²⁰⁸ Reporters Without Borders, [2023 World Press Freedom Index: Haiti](#), May 3, 2023.

²²⁰⁹ Freedom House, [Freedom in the World 2023: Haiti](#), June 21, 2023.

²²¹⁰ Center for Justice and Accountability, [U.S. Court Finds Former Haitian Mayor Responsible for Attacks on Media and Human Rights Defenders](#), March 21, 2023; Al Jazeera, [Haitian mayor, accused of persecution, is arrested for visa fraud](#), March 23, 2023.

²²¹¹ Center for Justice and Accountability, [Clients](#), undated; Committee to Protect Journalists, [CPI welcomes US court ruling that Haitian mayor was responsible for 2008 radio station attack](#), March 22, 2023.

²²¹² Associated Press, [Jury rules against ex-Haitian mayor, orders \\$15M in damages](#), 21 March 2023; Reuters, [Former Haitian mayor owes \\$15.5 mln over human rights abuses, US jury finds](#), 21 March 2023.

²²¹³ Associated Press, [Jury rules against ex-Haitian mayor, orders \\$15M in damages](#), March 21, 2023; Committee to Protect Journalists, [CPI welcomes US court ruling that Haitian mayor was responsible for 2008 radio station attack](#), March 22, 2023.

²²¹⁴ AP News, [Jury rules against ex-Haitian mayor, orders \\$15M in damages](#), March 21, 2023; Reuters, [Former Haitian mayor owes \\$15.5 mln over human rights abuses, US jury finds](#), March 21, 2023.

²²¹⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, Violence against journalists and media workers, OEA/Ser.L/V/II. IACHR/RELE/INF. 12/13, December 31, 2013, para. 293.

²²¹⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, Violence against journalists and media workers, OEA/Ser.L/V/II. IACHR/RELE/INF. 12/13, December 31, 2013, para. 217.

²²¹⁷ Associated Press, [Haitian police rebels protest is paralyzing Port-au-Prince](#), 26 January 2023; Al Jazeera, [Tensions soar in Haiti's capital after police officers killed](#), 26 January 2023; France24, [Police protest in Haiti after six officers killed](#), 26 January 2023.

residence²²¹⁸. As a result of these demonstrations and riots, public transportation was reportedly disrupted and several schools were forced to close²²¹⁹.

974. Given the upsurge in violence in the country, particularly by gangs, the Office of the Special Rapporteur received reports indicating that in the second half of 2023 thousands of citizens reportedly mobilized to demand security guarantees as murders and kidnappings increase²²²⁰. In early August, according to information received by this Office, hundreds of citizens reportedly covered their faces to conceal their identity as they marched for two hours from Carrefour-Feuilles, an area plagued by violence, to Champ de Mars in the center of the city and then to the official residence of the Prime Minister. Reports received also indicate that the crowd in front of the Prime Minister's residence was fired upon with tear gas²²²¹.

975. In mid-August, the Rapporteurship was informed of another round of demonstrations, this time by residents of Carrefour-Feuilles, one of the areas most affected by gang violence²²²². According to local media, hundreds of citizens reportedly marched to protest the security situation in the country's most vulnerable neighborhoods and to demand protection from the Haitian National Police [*Police Nationale d'Haïti (PNH)*] following a weekend with at least half a dozen residents killed and the forced displacement of multiple families²²²³. In protest, demonstrators reportedly blocked roads, setting tires on fire²²²⁴. The authorities reportedly proceeded to disperse the crowd with tear gas before reaching the Court of Cassation, where the funeral of former President Bonifacio Alejandro was being held in the presence of public figures, including the Prime Minister²²²⁵.

976. At the end of August, this Office received reports that a gang allegedly killed at least seven people and kidnapped ten others who were marching in a protest organized by a religious leader²²²⁶. According to available information, a pastor reportedly called his parishioners to a mobilization in the Port-au-Prince suburb of Canaan; human rights defenders reportedly called this mobilization irresponsible for putting all participants at risk, pointing out the lack of judgment on the part of the pastor and the authorities for not having prevented this massacre²²²⁷.

977. This Office recalls that when social protest is framed within speeches that criticize or denounce public officials and authorities or refer to matters of public interest, these are especially protected by Article 13 of the ACHR²²²⁸. It also notes that protest as a form of participation in public affairs is especially relevant for groups of people historically discriminated against or in conditions of marginalization²²²⁹. Therefore, States must act on the basis of the lawfulness of public protests and demonstrations and under the

²²¹⁸ Associated Press, [Haitian police rebels protest is paralyzing Port-au-Prince](#), 26 January 2023; Reuters, [Haitian police block streets, break into airport to protest officer killings](#), 27 January 2023.

²²¹⁹ Le Nouvelliste, [De nouvelles victimes dans les rangs de la PNH provoquent des scènes de colère dans le pays](#), January 26, 2023; TV5 Monde, [Haïti: six policiers tués par les gangs, manifestations à Port-au-Prince](#), January 27, 2023.

²²²⁰ Reuters, [Thousands of protesters march in Haiti against gang violence](#), 7 August 2023; Associated Press, [Thousands in Haiti march to demand safety from violent gangs as killings and kidnappings soar](#), 8 August 2023.

²²²¹ Reuters, [Thousands of protesters march in Haiti against gang violence](#), 7 August 2023; Associated Press, [Thousands in Haiti march to demand safety from violent gangs as killings and kidnappings soar](#), 8 August 2023.

²²²² Caribbean Loop News, [Nouvelle protest contre l'insécurité à Carrefour-Feuilles](#), 14 August 2023; Rezon Dwes, [Violences meurtrières à Carrefour-Feuilles : Des bandits armés font des victimes à " Dos-Savane "](#), 14 August 2023.

²²²³ Juno7, [Manifestation des citoyens du quartier de Carrefour-Feuilles contre la violence des gangs](#), August 14, 2023; Caribbean Loop News, [Nouvelle protestation contre l'insécurité à Carrefour-Feuilles](#), August 14, 2023.

²²²⁴ Juno7, [Manifestation des citoyens du quartier de Carrefour-Feuilles contre la violence des gangs](#), August 14, 2023; Caribbean Loop News, [Nouvelle protestation contre l'insécurité à Carrefour-Feuilles](#), August 14, 2023.

²²²⁵ Caribbean Loop News, [Nouvelle protestation contre l'insécurité à Carrefour-Feuilles](#), 14 August 2023; Rezon Dwes, [Répression policière lors d'une manifestation à Port-au-Prince contre la violence des gangs](#), 14 August 2023.

²²²⁶ CNN, [Gang in Haiti opened fire on church-led protest, killing at least 7 people, human rights groups say](#), August 27, 2023; BBC, [Haiti gang opens fire on protesters in capital, killing seven](#), August 27, 2023.

²²²⁷ CNN, [Gang in Haiti opened fire on church-led protest, killing at least 7 people, human rights groups say](#), August 27, 2023; BBC, [Haiti gang opens fire on protesters in capital, killing seven](#), August 27, 2023.

²²²⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 206.

²²²⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 23.

assumption that they do not constitute a threat to public order, even in cases where they are made without prior notice.²²³⁰ Likewise, this Office recalls that the mere deconcentration of a demonstration does not constitute, in itself, a legitimate purpose that justifies the use of force by the security forces²²³¹. Finally, the Rapporteurship recalls that States are obliged to guarantee and facilitate the exercise of the human rights at stake during demonstrations and protests and to implement measures and mechanisms so that these can be exercised in practice, not as a way of hindering them²²³².

978. In the context of gang violence, RELE learned that since April vigilante groups have been formed, including one known as "bwa kale," which seek to impart justice by their own means²²³³. This type of groups would have arisen due to the fact that the national police would not have the strength allegedly required to fight crime on the island²²³⁴. Although the vigilantes would have succeeded in temporarily reducing crime, they would be known for their brutality and arbitrary control of neighborhoods, so that their confrontations with gangs would have resulted in higher rates of violence²²³⁵.

979. In early October, the Office of the Special Rapporteur was informed of the United Nations Security Council's decision to deploy a multinational security mission to Haiti for 12 months to help combat gangs²²³⁶. The approval of this force would have come a year after the Haitian Prime Minister requested it in view of the difficulties of the national police in restoring order and combating outlaw groups and the impending humanitarian crisis²²³⁷.

980. Finally, RELE received reports that the CEO of the rum company *Rhum Barbancourt* is reportedly suing the digital media *AyiboPost* and its editor-in-chief, Widlore Mérancourt²²³⁸ for defamation. According to public information, Delphine Gardère is reportedly suing the media outlet and its editor-in-chief for a report published in June that questioned Gardère's election as president of the French-Haitian Chamber of Commerce and Industry²²³⁹. The lawsuit would cite the Haitian penal code, the 1929 press law and the July 1986 decree on the press and the repression of press offenses, seeking a punishment of three years in prison, plus a fine and compensation for legal expenses of approximately US\$14,000²²⁴⁰. The lawsuit would also seek to prohibit Mérancourt from exercising some of his political and civil rights for five years, as stipulated in article 28 of the Haitian penal code²²⁴¹. In addition, the lawsuit would accuse the editor-in-chief of the media outlet of having false journalistic credentials, also alleging that *AyiboPost* would not be a legally registered journalistic outlet, so Gardère's legal team would argue that Mérancourt would not be constitutionally protected and would

²²³⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 93.

²²³¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 112.

²²³² IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 28.

²²³³ Associated Press, [Vigilantes in Haiti strike back at gangsters with brutal street justice](#), June 4, 2023; The New York Times, [Vigilante Justice Rises in Haiti and Crime Plummet](#), June 4, 2023.

²²³⁴ CBC, [In Haiti, a grassroots vigilante movement is fighting back against gang warfare](#), May 8, 2023; Al Jazeera, [Haiti vigilante push 'symptomatic' of state's failures: Advocates](#), June 1, 2023.

²²³⁵ Associated Press, [Mob kills 12 suspected Haiti gangsters with gas-soaked tires](#), 24 April 2023; Reuters, [UN says over 350 killed in Haiti vigilante groups as thousands flee gang warfare](#), 18 August 2023; NPR, [Violence in Haiti escalates amid a civilian vigilante movement](#), 2 September 2023.

²²³⁶ UN, [Security Council Authorizes Multinational Security Support Mission for Haiti for Initial Period of One Year, by Vote of 13 in Favour with 2 Abstentions](#), 2 October 2023; Associated Press, [UN Security Council approves sending a Kenya-led force to Haiti to fight violent gangs](#), 2 October 2023; CNN, [UN Security Council approves sending foreign forces to Haiti](#), 2 October 2023.

²²³⁷ CNN, [Haiti government asks for internationally military assistance](#), October 7, 2022; BBC, [Haiti asks world for military help to curb chaos](#), October 8, 2022.

²²³⁸ AyiboPost, [Delphine Gardère demande à la justice de contraindre AyiboPost à révéler ses sources](#), September 17, 2023; Committee to Protect Journalists, [Haitian rum rum manufacturer sues AyiboPost, editor-in-chief for criminal defamation](#), October 6, 2023.

²²³⁹ AyiboPost, [Delphine Gardère accused of "coup d'État" at the CFHCl](#), June 7, 2023.

²²⁴⁰ AyiboPost, [Delphine Gardère demande à la justice de contraindre AyiboPost à révéler ses sources](#), September 17, 2023; Committee to Protect Journalists, [Haitian rum rum manufacturer sues AyiboPost, editor-in-chief for criminal defamation](#), October 6, 2023.

²²⁴¹ AyiboPost, [Delphine Gardère demande à la justice de contraindre AyiboPost à révéler ses sources](#), September 17, 2023; Committee to Protect Journalists, [Haitian rum rum manufacturer sues AyiboPost, editor-in-chief for criminal defamation](#), October 6, 2023.

not have the right to non-disclosure of sources²²⁴². For its part, the media outlet's lawyer argued that no law would require journalists or their employers to be registered with the State, and that the refusal to disclose sources, as the plaintiff would have requested prior to the publication of the article, could not be equated with a press offense or defamation²²⁴³.

981. The Office of the Special Rapporteur reiterates that the threat or imposition of imprisonment based on desacato and criminal defamation laws can have a silencing effect that affects not only communicators, but society as a whole²²⁴⁴. Likewise, civil penalties for defamation should not be of such proportions as to have a chilling effect on freedom of expression, and should be designed to restore a damaged reputation, rather than to compensate the plaintiff or punish the defendant; in particular, pecuniary sanctions should be strictly proportionate to the actual harm caused, and the law should give priority to the use of a range of non-pecuniary remedies²²⁴⁵.

982. This Office recalls that the right of journalists to withhold sources helps to ensure that their lives as potential witnesses are not threatened. The protection of confidential sources not only contributes to the fundamental watchdog role of the press, but also helps prevent journalists from becoming victims of violence for fear of a source being identified²²⁴⁶.

983. Likewise, this Office reiterates that accreditation schemes for journalists are only appropriate if they are necessary to provide them with privileged access to certain venues and/or events; such schemes should be supervised by independent bodies and accreditation decisions should be made following a fair and transparent process, based on clear and non-discriminatory criteria, published in advance²²⁴⁷.

C. Freedom of expression and the Internet

984. In the course of 2023, the Office of the Special Rapporteur received reports that telecommunications companies reportedly had their fiber optic cables cut, leaving customers on the island temporarily without service on several occasions²²⁴⁸. According to these companies, this could be an act of sabotage by criminal gangs, so their workers also face risks when repairing or replacing fiber optic cables²²⁴⁹.

985. This Office recalls that States must adopt and promote the necessary public policies to generate the infrastructure for universal access that will allow the construction of a knowledge society, avoiding situations of social exclusion²²⁵⁰.

²²⁴² AyiboPost, [Delphine Gardère demande à la justice de contraindre AyiboPost à révéler ses sources](#), September 17, 2023; Committee to Protect Journalists, [Haitian rum rum manufacturer sues AyiboPost editor-in-chief for criminal defamation](#), October 6, 2023; La République d'Haïti, [1987 Constitution de la République d'Haïti](#), July 9, 2011.

²²⁴³ AyiboPost, [Delphine Gardère demande à la justice de contraindre AyiboPost à révéler ses sources](#), September 17, 2023; Committee to Protect Journalists, [Haitian rum rum manufacturer sues AyiboPost editor-in-chief for criminal defamation](#), October 6, 2023.

²²⁴⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, March 2017, para. 28.

²²⁴⁵ OAS, UN, OSCE, Joint Declaration on Censorship through Murder and Defamation, 2000.

²²⁴⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, March 2017, para. 163.

²²⁴⁷ OAS, UN, OSCE, Joint Declaration on Media Regulation, Restrictions on Journalists and Investigation of Corruption, 2003.

²²⁴⁸ ICI Haiti, [Digicel: New optical fiber sabotage](#), January 9, 2023; The Haitian Times, [Internet down in Haiti after gangs sabotage telecoms equipment](#), August 24, 2023; Associated Press, [Telecom companies in Haiti report severed fiber optic cables; gangs are suspected](#), August 24, 2023.

²²⁴⁹ ICI Haiti, [Digicel: New optical fiber sabotage](#), January 9, 2023; The Haitian Times, [Internet down in Haiti after gangs sabotage telecoms equipment](#), August 24, 2023; Associated Press, [Telecom companies in Haiti report severed fiber optic cables; gangs are suspected](#), August 24, 2023.

²²⁵⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II, IACHR/RELE/INF. 11/13, December 31, 2013, para. 45.

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986. Between April 24 and 28, 2023, the IACHR conducted an on-site visit to Honduras to assess the human rights situation on the ground. During the visit, the Office of the Special Rapporteur for Freedom of Expression held meetings with journalists, media outlets and civil society organizations working to defend freedom of the press, as well as with various public authorities working on these issues. In general terms, RELE continues to register aggressions, threats and intimidations against journalists and media outlets. The situation is particularly worrying for community communicators and those who cover issues such as corruption, organized crime, citizen security, migration, agrarian and mining conflicts. Also, according to the information received, the Mechanism for the Protection of Human Rights Defenders, Journalists, Communicators and Justice Operators is not complying in a complete, effective and timely manner with its obligations to protect journalists and investigate attacks against them. On the other hand, in terms of access to public information, although there have been advances, there are still serious obstacles for this right to be effectively and fully guaranteed.

A. Journalism and democracy

987. As in previous years, the Rapporteurship continued to monitor various acts of violence against the press in Honduras, which takes the form of threats, attacks, armed attacks, harassment and judicial harassment, especially against those who cover issues such as corruption, organized crime, citizen security, migration, agrarian and mining conflicts²²⁵¹. This situation affects community communicators differently, especially indigenous women communicators, and those who work in areas with a strong presence of organized crime and land conflicts and mining extractivism, such as Bajo Aguán²²⁵².

988. According to the Committee for Freedom of Expression (C-Libre), between 2022 and 2023 there was an increase in attacks against journalists and media outlets that maintain critical and independent positions²²⁵³. Likewise, high levels of impunity persist for crimes against the press²²⁵⁴. This year, the National Commissioner for Human Rights (CONADEH) reported that the level of impunity in the murder of journalists exceeds 91%, since of the 92 crimes that have been recorded since 2001, only 8 have obtained a conviction²²⁵⁵. CONADEH considered that practicing journalism in Honduras is a "high-risk profession".²²⁵⁶

989. During the on-site visit, Honduran journalists reported to the IACHR and RELE that they carry out their work in a context of fear and self-censorship, and of high risk and lack of protection by the authorities, due - among other aspects - to problems in the management and operation of the National Protection Mechanism²²⁵⁷.

990. On December 21, Francisco Javier Ramírez was shot and killed by unknown assailants as he was on his way to his home in the city of Danlí, El Paraíso department²²⁵⁸. The journalist was in the company

²²⁵¹ La Prensa, [Preocupa incremento de amenazas a periodistas por distintas plataformas](#), May 9, 2023; Swissinfo, [Unos 107 periodistas en riesgo de desplazamiento forzado en Honduras entre 2016 y 2023](#), September 17, 2023; Voice of America, [Honduras tiene más de 60 periodistas en riesgo de desplazamiento forzado por violencia](#), May 24, 2022; El Heraldo, [Honduras vive un deterioro en materia de la libertad de expresión y prensa](#), May 25, 2023.

²²⁵² Document submitted to the IACHR and RELE by the Committee for Freedom of Expression C-Libre, at the meeting with civil society organizations on freedom of expression in the framework of the on-site visit, on April 24, 2023.

²²⁵³ Document submitted to the IACHR and RELE by the Committee for Freedom of Expression C-Libre, at the meeting with civil society organizations on freedom of expression in the framework of the on-site visit, on April 24, 2023.

²²⁵⁴ Swissinfo, [Violence against journalists a form of censorship, says Honduran ombudsman](#), May 2, 2023.

²²⁵⁵ CONADEH, [Crímenes impunes y desplazamiento convierten el periodismo en una profesión de alto riesgo](#), May 25, 2022.

²²⁵⁶ CONADEH, [Crímenes impunes y desplazamiento convierten el periodismo en una profesión de alto riesgo](#), May 25, 2022.

²²⁵⁷ Information received by RELE in the framework of the on-site visit, during a meeting with civil society organizations on freedom of expression, on April 24, 2023; a meeting with Radio Progreso executives and journalists, on April 26, 2023; a meeting with journalists and civil society organizations in San Pedro Sula, on April 26, 2023; and a series of meetings with journalists and media executives in Tegucigalpa, on April 25 and 27, 2023.

²²⁵⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, [RELE condemns the murder of journalist Francisco Ramírez Amador in Honduras and calls on the State to strengthen protection for the press at risk](#), Press Release R006/24, January 4, 2024; CNN, [Asesinan a un periodista en la zona oriental de Honduras](#), 22 de diciembre de 2023; Proceso Digital, [Matan a comunicador social en Danlí](#), December 22, 2023; Sociedad Interamericana de Prensa (SIP), [La SIP condena asesinato de periodista en Honduras](#), December 27, 2023.

of a police officer who had been assigned to him as part of a state security scheme. During the armed attack, the policeman was wounded by two bullet wounds and was taken to a medical center in Tegucigalpa where he is said to be in stable condition. Ramírez worked as a reporter for Canal 24 in Danlí, covering police and judicial issues, among other matters of public interest²²⁵⁹.

991. The Honduran Human Rights Secretariat condemned the murder of the journalist, and pointed out that the crime "goes against the fundamental principles of human rights and freedom of expression"²²⁶⁰. CONADEH also condemned the facts, and urged the authorities "to carry out a thorough and effective investigation so that this crime does not join the long list of impunity that exceeds 90% of cases of death of persons linked to the media"²²⁶¹.

992. Through its monitoring functions, earlier this year, the IACHR and its Special Rapporteurship documented an armed attack against the journalist. On May 3, the journalist Francisco Ramírez Amador was allegedly the victim of an armed attack by unknown individuals, in the city of Danlí, El Paraíso, when he was on his way home after finishing his workday²²⁶². According to the information available, subjects on board a motorcycle shot at the social communicator, wounding him on three occasions, for which he had to be urgently treated at the Gabriela Alvarado Hospital due to the bullet impacts he received²²⁶³. Ramírez Amador works for *Canal 24* in the aforementioned city.

993. According to reports from civil society organizations, the press working in Danlí is facing a wave of aggressions ranging from threats by criminal groups that seek to impose news coverage on local channels to the closure of a channel by municipal ordinance for allegedly not paying taxes²²⁶⁴.

994. Likewise, on January 16, 2023, Erick Cruz of the television station *LTV*, was attacked by supporters of the Government party, when he was covering a demonstration at the Departmental Education Office in Santa Rosa de Copán, whose facilities were occupied by supporters of the Libre Party and where a series of clashes took place between different factions of the party²²⁶⁵. On that same occasion, according to available information, the cameraman of the *HCH* channel, Oscar Peña, was allegedly beaten by demonstrators, who also tried to break his recording equipment²²⁶⁶.

995. On May 15, 2023, a group of employees of the Directorate of Children and Family (DINAF) violently broke into *UNETV*'s facilities after Silva denounced in his program alleged acts of corruption involving the head of the entity²²⁶⁷. According to public reports, in this context there was a physical and verbal confrontation between the journalist and DINAF employees, which ended with damaged TV equipment²²⁶⁸. The Commission and its RELE take note of the communiqué published by DINAF after the events, in which it condemned "all acts of violence" that occurred, and announced that the employees involved would be

²²⁵⁹ Reporteros Sin Fronteras (RSF), [Honduras: RSF pide a las autoridades que refuercen el mecanismo de protección a los periodistas tras el asesinato de Francisco Ramírez](#), January 3, 2024.

²²⁶⁰ Proceso Digital, [SEDH condena asesinato de comunicador en Danlí y pide investigación](#), December 22, 2023.

²²⁶¹ X Account of CONADEH (@CONADEH), [December 22, 2023](#).

²²⁶² In Altavoz, [Atentan contra el comunicador social Francisco Ramírez Amador](#), May 4, 2023; Proceso, [Atentan contra el comunicador social Francisco Ramírez Amador en el oriente del país](#), May 4, 2023.

²²⁶³ El Heraldo, May 5, 2023, [Estable se encuentra comunicador social tiroteado en Danlí, El Paraíso](#).

²²⁶⁴ In Altavoz, [Atentan contra el comunicador social Francisco Ramírez Amador](#), May 4, 2023; C-Libre Honduras, [Atentan contra comunicador social de Danlí](#), May 9, 2023.

²²⁶⁵ C-Libre, January 19, 2023, [Honduran Social Communicator is physically assaulted by a faction of the Libre Party](#); Article 19 Mexico and Central America, May 3, 2023, [Honduras: democratic crisis puts freedom of expression and the right to defend HR under siege](#); ConexiHon TV / YouTube, January 19, 2023, [Honduran Social Communicator is physically assaulted by a faction of the Libre Party](#).

²²⁶⁶ Article 19 Mexico and Central America, May 3, 2023, [Honduras: democratic crisis puts freedom of expression and the right to defend human rights under siege](#).

²²⁶⁷ C-Libre, 18 May 2023, [Agreden a periodista tras denunciar supuesta red de trata de menores](#); El Heraldo, 18 May 2023, [Empleados de Dinaf se enfrentan a golpes con periodista César Silva](#); Reportar Sin Miedo, 15 May 2023, [A puñetazos se van empleados públicos y periodista de UNETV](#).

²²⁶⁸ C-Libre, 18 May 2023, [Agreden a periodista tras denunciar supuesta red de trata de menores](#).

immediately suspended from their positions and that an investigation would be initiated to determine the causes of what happened²²⁶⁹.

996. In May, the team of the organization Reflexión, Investigación y Comunicación (ERIC-SJ) and *Radio Progreso* denounced a series of attacks, threats and intimidations through social networks²²⁷⁰. According to them, they would have started between the last quarter of 2022 and would have extended during the first half of 2023. *Radio Progreso* believes that the attacks are related to their critical positions on some actions of the current government²²⁷¹.

997. RELE also learned of pressure and threats by a public official against journalist Wendy Funes, director of the portal *Reporteros de Investigación*. According to public information, on August 1, the journalist received a letter from the governor of the Department of Choluteca, demanding that she change the title of her investigation on officials allegedly involved in transnational crimes of migrant smuggling in Honduras, to avoid legal action against her²²⁷². It also asked the journalist to "refrain from issuing publications with content (...) that is untruthful"²²⁷³. The official claimed to feel her dignity and honor affected" as a result of the journalist's publications, and described as "reckless and totally false" the information presented in the report²²⁷⁴.

998. Since 2022, Wendy Funes and the *Investigative Reporters* team have been publishing reports detailing the Honduran government's plans to increase security in the country through militarization²²⁷⁵. As a result, since April of this year the media outlet has been the target of a smear campaign, in which its logo has been used to promote false news²²⁷⁶. The situation is said to have intensified after the media outlet's coverage of the massacre of 46 women inside the Támara prison, the main women's prison in the country. Since then, they have begun to be linked to gangs and maras.²²⁷⁷

999. The Rapporteurship recalls that, according to Principle 9 of the Declaration of Principles on Freedom of Expression of the IACHR, "[t]he murder, kidnapping, intimidation, threats to social communicators, as well as the material destruction of the media, violate the fundamental rights of individuals and severely restrict freedom of expression. It is the duty of States to prevent and investigate these acts, punish the perpetrators and ensure adequate reparation for the victims"²²⁷⁸.

1000. Acts of violence against journalists have a triple effect: they violate the right of the victims to express and disseminate their ideas, opinions and information; they have a chilling and silencing effect on their peers; and they violate the rights of individuals and societies in general to seek and receive information and ideas of any kind. The consequences for democracy, which depends on a free, open and dynamic exchange of

²²⁶⁹ DINAF Twitter account (@Dinaf_hn), [May 15, 2023](#).

²²⁷⁰ C-Libre Honduras, [Ataques sistemáticos y amenazas contra ERIC-SJ y Radio Progreso](#), May 11, 2023; La Prensa, [CPH denuncia amenazas a muerte contra dos periodistas](#), May 8, 2023.

²²⁷¹ C-Libre Honduras, [Ataques sistemáticos y amenazas contra ERIC-SJ y Radio Progreso](#), May 11, 2023; La Prensa, [CPH denuncia amenazas a muerte contra dos periodistas](#), May 8, 2023.

²²⁷² Article 19 Mexico and Central America, [Journalist Wendy Funes threatened for publishing possible crimes of officials involved in migration business in Honduras](#), August 2, 2023.

²²⁷³ Reporteros de Investigación, [La trama detrás de la masacre de 46 mujeres en una cárcel hondureña y el regreso de los militares aliados al narco](#), July 2, 2023; Article 19 México y Centroamérica, [Amenazan a la periodista Wendy Funes por publicar posibles delitos de funcionarios implicados en negocios de migración en Honduras](#), August 2, 2023.

²²⁷⁴ Reporteros de Investigación, [La trama detrás de la masacre de 46 mujeres en una cárcel hondureña y el regreso de los militares aliados al narco](#), July 2, 2023; Article 19 México y Centroamérica, [Amenazan a la periodista Wendy Funes por publicar posibles delitos de funcionarios implicados en negocios de migración en Honduras](#), August 2, 2023.

²²⁷⁵ LatAm Journalism Review, [Smear campaigns, the growing threat against journalists in Honduras](#), August 29, 2023.

²²⁷⁶ LatAm Journalism Review, [Smear campaigns, growing threat against journalists in Honduras](#), August 29, 2023; Contracorriente, [Smear campaigns against human rights defenders and journalists increase during militarization of prisons](#), July 8, 2023; Pasos de Animal Grande, [Smear campaign against human rights defenders linking them to MS-13](#), July 5, 2023.

²²⁷⁷ LatAm Journalism Review, [Smear campaigns, growing threat against journalists in Honduras](#), August 29, 2023; Contracorriente, [Smear campaigns against human rights defenders and journalists increase during militarization of prisons](#), July 8, 2023; Pasos de Animal Grande, [Smear campaign against human rights defenders linking them to MS-13](#), July 5, 2023.

²²⁷⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Declaration of Principles on Freedom of Expression](#).

ideas and information, are particularly serious²²⁷⁹. The authorities should strongly condemn violence against journalists and encourage the competent authorities to act with due diligence and speed in clarifying the facts and punishing those responsible²²⁸⁰.

1001. Likewise, the Rapporteurship has been informed about stigmatizing speeches of public officials against journalists considered critical by the Government, through qualifications as "adversaries", "criminals" and "allies of the narco-dictatorship"²²⁸¹. In addition, according to the information received, the National Police of Honduras has labeled on several occasions content disseminated by the media as "false" on its social networks²²⁸². RELE notes with concern that these signals have the potential to increase the risks inherent to the practice of journalism in Honduras, which is exposed to high levels of violence, as has been extensively addressed in 2015 and 2019 IACHR country reports and annual reports²²⁸³.

1002. Within the framework of their position as guarantors of human rights, public officials must refrain from acting in such a way as to propitiate, stimulate, favor or deepen the risk or vulnerability inherent to the journalistic profession²²⁸⁴. This implies that their statements may not disregard rights or constitute forms of direct or indirect interference or harmful pressure on the rights of those who seek to contribute to public deliberation through the expression and dissemination of information²²⁸⁵. This duty of enhanced diligence on the freedom of expression of public authorities is due to their high position, the broad scope of their statements and the possible effects that their expressions may have on certain sectors of the population²²⁸⁶.

1003. Likewise, as the Inter-American Court has pointed out, "this duty is particularly accentuated in situations of greater social conflict, alterations in public order or social or political polarization, precisely because of the set of risks that they may imply for certain persons or groups"²²⁸⁷. RELE has also emphasized that the duty is accentuated in areas where there is or has been detected a special risk for journalists working in the media.

1004. On the other hand, the persistent use of criminal law to punish journalists and communicators for the exercise of their informative work²²⁸⁸ is a matter of concern. This is linked to the permanence of the crimes of slander and libel in the Penal Code, despite the existence of proposed laws to decriminalize these

²²⁷⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Violence against journalists and media workers: Inter-American standards and national practices on prevention, protection and the pursuit of justice. 2013. OEA/Ser.L/V/II. IACHR/RELE/INF.12/13, para. 287.

²²⁸⁰ IACHR, Report No. 7/16, Case 12.213. Merits (Location). Aristeu Guida da Silva and family. Brazil. April 13, 2016, para. 138.

²²⁸¹ Information received by RELE in the framework of the on-site visit, during meetings with journalists, media executives and civil society organizations, held between April 24 and 27, 2023; Information received by RELE during meetings with journalists, media executives and civil society organizations, held between April 24 and 27, 2023; C-Libre, February 13, 2023, [Subsecretario de Prensa estigmatiza comentario de periodista en twitter](#).

²²⁸² Twitter account of the National Police of Honduras (@PoliciaHonduras). [April 11, 2023](#); [April 24, 2023](#); [May 2, 2023](#).

²²⁸³ IACHR, [Situation of Human Rights in Honduras](#), OEA/Ser.L/V/II. Doc. 42/15, Dec. 31, 2015, paras. 176-180; IACHR, [Situation of Human Rights in Honduras](#), OEA/Ser.L/V/II. Doc. 146, Aug. 27, 2019, paras 99-111; IACHR, Office of the Special Rapporteur for Freedom of Expression, [Annual Report 2019](#), paras 789-800, [Annual Report 2020](#), paras 843-860, [Annual Report 2021](#), paras 540-556, [Annual Report 2022](#), paras 842-861.

²²⁸⁴ I/A Court H.R., Case of Ríos et al. v. Venezuela, Preliminary Objections, Merits, Reparations and Costs, Judgment of January 28, 2009, Series C No. 194, para. 107.

²²⁸⁵ I/A Court H.R., Case of Ríos et al. v. Venezuela, Preliminary Objections, Merits, Reparations and Costs, Judgment of January 28, 2009, Series C No. 194, para. 139.

²²⁸⁶ I/A Court H.R., Case of Ríos et al. v. Venezuela, Preliminary Objections, Merits, Reparations and Costs, Judgment of January 28, 2009, Series C No. 194, para. 139.

²²⁸⁷ I/A Court H.R., Case of Ríos et al. v. Venezuela, Preliminary Objections, Merits, Reparations and Costs, Judgment of January 28, 2009, Series C No. 194, para. 139.

²²⁸⁸ Document delivered to the IACHR and RELE by the Committee for Freedom of Expression C-Libre, at the meeting with civil society organizations on freedom of expression, April 24, 2023; Conexihon, October 4, 2022, [Consolidada la autocensura por la criminalización a periodistas en Honduras](#).

offenses. According to the registry of journalists' unions, as of May 2022, there would be around 40 journalists in Honduras facing criminal proceedings for crimes against honor, with the possibility of going to prison²²⁸⁹.

1005. In this regard, during the on-site visit, the Commission and RELE were informed about the uncertainty that prevails regarding the legal situation of journalist Carlos Ávila, who could be arrested in the framework of a criminal proceeding against him that has been ongoing for more than 15 years²²⁹⁰. Ávila was criminally prosecuted in 2007 for slander after publishing a report on sexual harassment of minors in an educational institution in the city of Choluteca, and was later sentenced to one year and two months in prison²²⁹¹. Currently, there is an arrest warrant for him²²⁹². Civil society organizations have denounced that there is an unjustified delay of justice to the detriment of the journalist²²⁹³. According to what the Special Rapporteurship learned, although the legal defense has requested the judge to suspend or replace the sentence on numerous occasions, the hearings have been successively suspended²²⁹⁴. Since the approval of the Amnesty Law, promoted by the current government and whose purpose is to extinguish criminal proceedings against political prisoners, the journalist's relatives have requested that he be granted this benefit²²⁹⁵.

1006. The Rapporteurship reiterates that the use of criminal mechanisms to punish specially protected speeches -such as those referring to matters of public interest or about public officials, candidates for public office or politicians- in itself violates Article 13 of the American Convention²²⁹⁶. Limiting debate through criminal law has such serious effects on democratic control that such an option does not meet the requirements of extreme and absolute necessity²²⁹⁷. The Inter-American Court has concluded that "in the case of a speech protected by its public interest (...) the punitive response of the State through criminal law is not conventionally appropriate to protect the honor of the official"²²⁹⁸. This is due to the fact that "it is the exercise of an activity expressly protected by the American Convention and, consequently, it cannot be considered to fall within the conduct typified by criminal law"²²⁹⁹.

1007. The use of criminal law to punish such speech is not only a direct limitation of freedom of expression, but can also be considered an indirect method of restricting expression because of its inhibiting effect on the free flow of ideas, opinions and information that may be critical or offensive. In this sense, the

²²⁸⁹ Document delivered to the IACHR and RELE by the Committee for Freedom of Expression C-Libre, at the meeting with civil society organizations on freedom of expression, April 24, 2023; Proceso Digital, May 19, 2022, [CPH, APH and C-Libre, piden derogación del decreto de delitos contra el honor](#).

²²⁹⁰ C-Libre, May 4, 2022, [Criminal conviction causes journalist sentenced to jail to flee](#).

²²⁹¹ C-Libre, May 4, 2022, [Criminal conviction causes journalist sentenced to jail to flee](#).

²²⁹² Document submitted to the IACHR and RELE by the Committee for Freedom of Expression C-Libre, at the meeting with civil society organizations on freedom of expression, on April 24, 2023, in the framework of the on-site visit.

²²⁹³ On loudspeaker, August 4, 2022, [C-Libre and the RAPCOS Network speak out against the unjustified delay of justice against the journalist, Carlos Eduardo Avila Aguilera, criminalized since 2007](#).

²²⁹⁴ Document delivered to the IACHR and RELE by the Committee for Freedom of Expression C-Libre, at the meeting with civil society organizations on freedom of expression, held on April 24, 2023, in the framework of the on-site visit; Conexihon, June 11, 2022, [C-LIBRE legal team requests hearing in favor of journalist Carlos Ávila](#).

²²⁹⁵ Conexihon, November 25, 2022, [Amnesty, justice and freedom for journalist Carlos Ávila](#); Contracorriente, March 10, 2022, [Who benefits from the Amnesty Law approved by the current government?](#); En altavoz, August 4, 2022, [C-Libre and the RAPCOS Network speak out against the unjustified delay of justice against journalist Carlos Eduardo Ávila Aguilera, criminalized since 2007](#).

²²⁹⁶ IACHR, Pleadings before the Inter-American Court in the Case of Herrera Ulloa v. Costa Rica, transcribed in: I/A Court H.R., *Case of Herrera Ulloa v. Costa Rica. Preliminary Objections, Merits, Reparations and Costs*, Judgment of July 2, 2004, Series C No. 107, para. 101.2.

²²⁹⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Inter-American Legal Framework on the Right to Freedom of Expression](#), OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 116.

²²⁹⁸ I/A Court H.R., *Case of Álvarez Ramos v. Venezuela, Preliminary Objections, Merits, Reparations and Costs*, Judgment of August 30, 2019, Series C No. 380, para. 121; *Case of Palacio Urrutia v. Ecuador, Merits, Reparations and Costs, Judgment of November 30, 2021*, Series C No. 446, para. 120; *Ecuador, Merits, Reparations and Costs*, Judgment of November 24, 2021, Series C No. 446, para. 120; *Case of Baraona Bray v. Chile, Preliminary Objections, Merits, Reparations and Costs*, Judgment of November 24, 2022, Series C No. 481, paras. 128 and 129.

²²⁹⁹ I/A Court H.R., *Case of Álvarez Ramos v. Venezuela, Preliminary Objection, Merits, Reparations and Costs*, Judgment of August 30, 2019, Series C No. 380, para. 123.

IACHR has previously pointed out that the mere threat of being criminally prosecuted for critical expressions on matters of public interest can generate a strong effect of self-censorship²³⁰⁰.

1008. The most recent jurisprudence of the Inter-American Court of Human Rights has emphasized that in the case of speech protected in the public interest, the punitive response of the State through criminal law is not conventionally appropriate²³⁰¹. According to the Court, of the universe of possible measures to demand subsequent responsibilities for eventual abusive exercises of the right to freedom of expression, criminal prosecution will only be appropriate in those exceptional cases where it is strictly necessary to protect an imperative social need²³⁰².

1009. On the other hand, in the framework of the on-site visit to Honduras, the Commission and the Office of the Special Rapporteur received information about obstructions to the work of the State in the media, selectively targeting certain journalists and media outlets that are considered critical of the government. In particular, the persons interviewed by the Special Rapporteurship highlighted serious limitations for the coverage of public acts and press conferences. According to them, some institutions such as the Congress and the Presidential House are reportedly denying press credentials to certain media outlets, in a discretionary manner, based on their editorial line. In addition, they denounced that there are more and more obstacles for the access to political and government sources regarding matters of general interest²³⁰³.

1010. The IACHR and RELE reiterate that transparency and accountability of public authorities strengthen democratic systems, and that the guarantee of the right of access to information is a necessary condition to guarantee the exercise of other rights²³⁰⁴. As the Court has pointed out, in a democratic society it is not only legitimate, but sometimes a duty of the state authorities, to pronounce on issues of public interest²³⁰⁵. In analyzing restrictions imposed on journalists for access to official sources and events, the Inter-American Court has determined that "[w]ith respect to accreditations or authorizations to the press media for participation in official events, which imply a possible restriction on the exercise of the freedom to seek, receive and impart information and ideas of all kinds, it must be demonstrated that their application is legal, pursues a legitimate objective and is necessary and proportional in relation to the objective pursued in a democratic society. The requirements for accreditation must be concrete, objective and reasonable, and their application transparent"²³⁰⁶.

B. Freedom of expression, rule of law and democratic institutions

1011. The Rapporteurship has continued to monitor the situation of the Mechanism for the Protection of Human Rights Defenders, Journalists, Communicators and Justice Operators, based on the measures implemented by the current Government, which have resulted in serious shortcomings in the protection bodies. Particularly, the different actors of the civil society point out that since the authorities of the

²³⁰⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Inter-American Legal Framework on the Right to Freedom of Expression](#), OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 114.

²³⁰¹ I/A Court H.R., Alvarez Ramos v. Venezuela, Preliminary Objection, Merits, Reparations and Costs, Judgment of August 30, 2019, Series C No. 380, para. 121.

²³⁰² I/A Court H.R., Alvarez Ramos v. Venezuela, Preliminary Objection, Merits, Reparations and Costs, Judgment of August 30, 2019, Series C No. 380, para. 120.

²³⁰³ Meeting with journalists and media in Tegucigalpa and San Pedro Sula, held on April 25 and 26, 2023, within the framework of the on-site visit.

²³⁰⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, El derecho de acceso a la información en el marco jurídico interamericano. OEA/Ser.L/V/II CIDH/RELE/INF. 1/09, December 30, 2009, para. 64.

²³⁰⁵ I/A Court H.R., Case of Granier et al. (Radio Caracas Televisión) v. Venezuela, Preliminary Objections, Merits, Reparations and Costs, Judgment of June 22, 2015, Series C No. 293, para. 195.

²³⁰⁶ I/A Court H.R., Case of Claude Reyes et al. Merits, Reparations and Costs, Judgment of September 19, 2006, Series C No. 151, para. 93; I/A Court H.R., Case of Ríos et al. v. Venezuela, Preliminary Objections, Merits, Reparations and Costs, Judgment of January 28, 2009, Series C No. 194, para. 375; I/A Court H.R., Case of Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations and Costs, Judgment of January 28, 2009, Series C No. 195, para. 346.

Secretariat of Human Rights dismissed a significant number of technical personnel in August 2022, the capacities of the protection system have been weakened²³⁰⁷.

1012. According to civil society organizations, the Protection Mechanism is in a critical situation. The journalists interviewed during the on-site visit of the IACHR alleged that, at present, the Mechanism "does not work"²³⁰⁸, "is not effective"²³⁰⁹, "is a failed mechanism"²³¹⁰, "is weakened"²³¹¹ and "does not provide answers"²³¹², while denouncing that they feel unprotected and afraid to carry out their work.

1013. In addition to the lack of timely response, other problems identified by journalists, media and civil society organizations with respect to the Mechanism include the lack of financial resources; the lack of qualified personnel; and arbitrariness in the granting and follow-up of protection measures²³¹³. Likewise, the Commission and the Rapporteurship observe that some of the deficiencies identified in its last country report also persist, such as the lack of transparency and sufficient motivation of the decisions adopted and the absence of a comprehensive and differentiated approach to the problem, which goes beyond the physical protection of journalists and includes both prevention policies and effective investigation²³¹⁴.

1014. The State reported on challenges and progress with respect to the Protection Mechanism. In relation to the challenges, it pointed out the need to: i) have sufficient budget allocation to comply with its obligations; ii) ensure that the General Directorate of the Protection System has sufficient staff; iii) make protection measures more equitable and effectively reach the territories; iv) create an Early Warning and Response System; v) urgently reform the Protection law and regulations; and v) define an expeditious procedure for handling cases with misuse of measures²³¹⁵.

1015. With respect to progress, the State mentioned: i) the doubling of the budget allocated to the Protection Mechanism; ii) the strengthening of capacities in international protection for the operational units of the General Directorate of the Protection System; iii) the generation of strategic alliances with Ciudad Mujer, OHCHR, the Norwegian Refugee Council, the Pro-Rights Program of the European Union, among others; iv) the creation of a proposal to reform the Protection Law; v) follow-up on the execution of 1015 protection measures, considering that there are only four analysts; vi) the elaboration of a draft regulation for the execution of funds from the General Directorate of the Protection System²³¹⁶.

1016. According to official information, there are currently 15 active cases of journalists with protection measures and 16 of social communicators. This is out of a total of 185 active cases that include, in addition to the aforementioned populations, human rights defenders and justice operators. The IACHR and RELE are concerned that of the total number, only 6 cases with precautionary measures spend 83% of the budget, while the remaining 179 active cases spend only 15% of the economic resources²³¹⁷.

²³⁰⁷ Inter American Press Association, August 23, 2022, [IAPA asks Xiomara Castro to review changes to journalist protection system in Honduras](#); RSF Spanish Twitter account (@RSF_eng), [August 12, 2022](#); RSF Spanish, August 19, 2022, [New Honduran government dismantles journalist protection mechanism](#).

²³⁰⁸ Meeting with executives and journalists of Radio Progreso, held on April 26, 2023, within the framework of the on-site visit.

²³⁰⁹ Meeting with civil society organizations on freedom of expression, held on April 24, 2023, within the framework of the on-site visit.

²³¹⁰ Meeting with executives and journalists of Radio Progreso, held on April 26, 2023, within the framework of the on-site visit.

²³¹¹ Meeting with civil society organizations on freedom of expression, held on April 24, 2023, within the framework of the on-site visit.

²³¹² Meeting with civil society organizations on freedom of expression, held on April 24, 2023, within the framework of the on-site visit; Meeting with executives and journalists of Radio Progreso, held on April 26, 2023, within the framework of the on-site visit.

²³¹³ Meeting with civil society organizations on freedom of expression, held on April 24, 2023; Meeting with executives and journalists of Radio Progreso, held on April 26, 2023, within the framework of the on-site visit.

²³¹⁴ IACHR, [Situation of Human Rights in Honduras](#), OEA/Ser.L/V/II. Doc. 146, 27 August 2019, para. 106.

²³¹⁵ Document submitted to the IACHR and RELE by authorities of the General Directorate of the Protection System, at the meeting held on April 27, 2023, within the framework of the on-site visit.

²³¹⁶ Document submitted to the IACHR and RELE by authorities of the General Directorate of the Protection System, at the meeting held on April 27, 2023, within the framework of the on-site visit.

²³¹⁷ Document submitted to the IACHR and RELE by authorities of the General Directorate of the Protection System, at the meeting held on April 27, 2023, within the framework of the on-site visit.

1017. In its thematic report "Violence against journalists and media workers," the IACHR and its Office of the Special Rapporteur highlighted some of the requirements for protection mechanisms to be effective, including: 1) the importance of guaranteeing the financial and personnel resources necessary for the adequate implementation of the mechanism; 2) the need to ensure effective coordination between the entities responsible for the implementation of prevention, protection and justice procurement measures; 3) the need to adequately define the protection measures contemplated by the mechanism and the procedure for their adoption; 4) the need to guarantee the full participation of journalists, civil society and beneficiaries in the implementation and operation of the mechanism; and 5) the importance of seeking support from the international community for the operation of the mechanism²³¹⁸.

1018. On the other hand, with regard to access to public information, the Office of the Special Rapporteur observes that there are still obstacles to full access to public information for citizens. Among other facts, it was learned that many requests for access to information are answered after the deadline, and sometimes with a significant delay; that the information provided is incomplete or vague, and does not meet quality requirements; or that public entities often respond that the requested information is already available virtually, and refer to official websites that, in practice, do not have the required information²³¹⁹. Due to the above, many of the information requests that are qualified by the Institute of Access to Public Information (IAIP) as "delivered" correspond in reality to incomplete or ambiguous answers²³²⁰.

1019. Likewise, in 2023, RELE received reports that information generated during the previous government was destroyed²³²¹. In addition, journalists reported that, due to the work stoppage and the seizure of physical facilities by employees of the Public Ministry, the officials in charge of channeling requests for access to public information of that entity are also not delivering information²³²².

1020. As part of its on-site visit, the Rapporteurship met with representatives of the Institute for Access to Public Information (IAIP), who reported on various tools being implemented to strengthen transparency and access to information, such as the Single Transparency Portal and the Open Data Portal. In this regard, it was emphasized that one of its main management goals is to increase the use of the available tools for access to information by citizens, and that people should be aware of these tools and thus be able to demand compliance with their rights. According to the information received by the IACHR, in 2022 a total of twelve thousand four hundred and fifty requests for information were received, of which 7631 (61%) were delivered on time; 706 (6%) were delivered after the deadline; 2632 (21%) were not answered; 1481 (12%) are still in process²³²³.

1021. Among other positive measures in this area, the IAIP pointed out: the accreditation of public information officers in all obligated institutions; the creation of specialized transparency portals; the opening of sanctioning proceedings for failure to publish information that must be published ex officio on transparency portals; and the presentation of a preliminary draft Law on Records Management²³²⁴.

²³¹⁸ IACHR, [Violence against Journalists and Media Workers: Inter-American Standards and National Practices on Prevention, Protection and Prosecution](#), OEA/Ser.L/V/II. IACHR/RELE/INF. 12/13, December 31, 2013, para. 81.

²³¹⁹ Meeting with civil society organizations, journalists and media in Tegucigalpa and San Pedro Sula, held on April 24, 25 and 26, 2023, in the framework of the on-site visit; La Prensa, March 1, 2022, [National Congress has not updated its transparency portal for two months](#); Criterio, December 14, 2022, [Casa Presidencial legaliza opacidad de información relacionada con sus adquisiciones](#).

²³²⁰ Meeting with civil society organizations, journalists and media in Tegucigalpa and San Pedro Sula, held on April 24, 25 and 26, 2023, within the framework of the on-site visit.

²³²¹ Meeting with civil society organizations, journalists and media in Tegucigalpa and San Pedro Sula, held on April 24, 25 and 26, 2023; Conexihon, June 30, 2022, [Administradora de Casa Presidencial confirma destrucción de información pública](#); Criterio, April 6, 2022, [En el 80% de las instituciones del Estado se habría destruido información para esconder corrupción](#).

²³²² Meeting with civil society organizations, journalists and media in Tegucigalpa and San Pedro Sula, held on April 24, 25 and 26, 2023, within the framework of the on-site visit.

²³²³ Document submitted to the IACHR and RELE by the Instituto de Acceso a la Información Pública (IAIP), during the meeting held on April 25, 2023, within the framework of the on-site visit.

²³²⁴ Document submitted to the IACHR and RELE by the Instituto de Acceso a la Información Pública (IAIP), during the meeting held on April 25, 2023, within the framework of the on-site visit.

1022. The IACHR and its RELE welcome the progress made in terms of access to information in Honduras. However, they consider that in practice there are significant barriers to the effective fulfillment of this right. In this regard, the Commission calls on the authorities to critically review the design and implementation of internal procedures and their effectiveness. Inter-American standards emphasize the relevance of the design of institutional plans that allow the real and effective satisfaction of the right of access to information within a reasonable period of time. This obligation implies the duty of the State to allocate the necessary budget to be able to satisfy, in a progressive manner, the demands that the right of access to information will generate²³²⁵.

1023. Likewise, the Commission and its Rapporteurship remind the authorities that the State has the obligation to respond in a substantive manner to the requests for information that are formulated to it. Indeed, Article 13 of the American Convention, in protecting the right of individuals to access information held by the State, establishes a positive obligation for the State to provide, in a timely, complete and accessible manner, the requested information or, failing that, to provide within a reasonable period of time the legitimate reasons that prevent such access²³²⁶. The right of access to information must be subject to a limited regime of exceptions, which must be interpreted in a restrictive manner. This implies that all parties required by law to provide public information must adequately justify the refusal of requests, since the State has the burden of proving that the requested information cannot be disclosed²³²⁷.

1024. On the other hand, of particular concern is the permanence of crimes against honor in Honduran criminal legislation, which represents one of the main debts with a view to making the right to freedom of expression truly effective. In this regard, the IACHR and RELE learned of the existence of at least two bills - introduced in the National Congress in May and June 2022 - that seek to decriminalize the crimes of slander and libel under Articles 229, 230 and subsequent articles of the Penal Code. However, according to the information received, the bills have not been prioritized in the legislative agenda and there is still no favorable opinion for discussion by the full Congress. Journalistic unions and civil society organizations have asked Congress to expedite the treatment of these bills²³²⁸.

1025. The jurisprudence of the Inter-American Court has indicated that, in matters of subsequent liability, criminal prosecution "is the most restrictive measure to freedom of expression, therefore its use in a democratic society should be exceptional and reserved for those eventualities in which it is strictly necessary to protect fundamental legal interests from attacks that damage or endanger them, since otherwise it would be an abuse of the punitive power of the State"²³²⁹. Likewise, the Court has understood that "in the case of speech protected by its public interest, such as those referring to the conduct of public officials in the exercise of their functions, the punitive response of the State through criminal law is not conventionally appropriate to protect the honor of the official"²³³⁰. This does not imply that public officials cannot be judicially protected in terms of their honor when it is subject to unjustified attacks, but they must be protected in accordance with the principles of democratic pluralism, and through mechanisms that do not have the potential to generate inhibition or self-censorship²³³¹.

²³²⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, [The Right of Access to Public Information in the Americas: Inter-American Standards and Comparison of Legal Frameworks](#), OEA/Ser.L/V/II. IACHR/RELE/INF.7/12, December 30, 201, para. 313.

²³²⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, [El derecho de acceso a la información en el marco jurídico interamericano](#), OEA/Ser.L/V/II CIDH/RELE/INF. 1/09, December 30, 2009, para. 24.

²³²⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, [The Right of Access to Public Information in the Americas: Inter-American Standards and Comparison of Legal Frameworks](#), OEA/Ser.L/V/II. IACHR/RELE/INF.7/12, December 30, 201, para. 205.

²³²⁸ Criterio, May 25, 2023, [Periodistas piden a congresistas agilizar despenalización de los delitos contra el honor](#); Proceso Digital, May 23, 2022, [Despenalizar delitos contra el honor, una urgencia en Honduras](#); Proceso Digital, May 19, 2022, [CPH, APH y C-Libre, piden derogación del decreto de delitos contra el honor](#); El Herald, August 8, 2022, [Honduras: Delitos contra el honor deben salir del Código Penal y pasar a lo civil](#).

²³²⁹ I/A Court H.R., Case of Álvarez Ramos v. Venezuela, Preliminary Objection, Merits, Reparations and Costs, Judgment of August 30, 2019, Series C No. 380, para. 119.

²³³⁰ I/A Court H.R., Case of Álvarez Ramos v. Venezuela, Preliminary Objection, Merits, Reparations and Costs, Judgment of August 30, 2019, Series C No. 380, para. 121.

²³³¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Inter-American Legal Framework on the Right to Freedom of Expression](#), OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 41.

C. Freedom of expression and the fight against discrimination and exclusion

1026. In 2023, RELE received information about threats and intimidation against journalists, media outlets and organizations that investigate, report and inform about sexual diversity and issues affecting young people, LGBT, women, migrants, people with disabilities, indigenous peoples and Afro-descendants²³³². In particular, the Office of the Special Rapporteur learned of hacking attempts, smear campaigns, threats and intimidation against members of the portal Reportar Sin Miedo²³³³. The actions were intensified after they reported on a series of stigmatizing statements made by the mayor of San Pedro Sula against LGBT people and Garifuna peoples²³³⁴. This situation reportedly caused fear among the journalists of the media outlet to continue reporting on these issues²³³⁵.

1027. The IACHR and its Office of the Special Rapporteur recall that speech that expresses elements of the personal identity or dignity of the person expressing it enjoys special protection under the American Convention²³³⁶. The State has a positive obligation to create an environment conducive to freedom of expression and the right to information for all persons, including groups in vulnerable situations. In this regard, it must take all measures within its power to promote, respect and guarantee free expression on matters concerning women, LGBT persons, indigenous peoples and other populations historically discriminated against and excluded from public debate²³³⁷.

1028. They also reiterate that political leaders and individuals in public office should not make statements that may promote intolerance and discrimination and, instead, should use their positions of leadership to counteract these social harms and promote intercultural understanding and respect for diversity²³³⁸.

1029. The IACHR and the Rapporteurship call on the State to identify possible obstacles or limitations to the freedom of expression of these groups and to harmonize its institutional practices to the reinforced protection of this type of speech in accordance with Inter-American human rights standards. They also reiterate the recommendations set forth in the 2021 Joint Declaration of the international and regional mandates on freedom of expression and in previous reports, in particular with regard to carrying out non-legal measures, of an educational and other nature, to combat intolerance and promote social inclusion and intercultural understanding²³³⁹. Such measures target the cultural root of systemic discrimination, and can be valuable tools to identify and refute hate speech and encourage the development of a society based on the principles of diversity, pluralism and tolerance²³⁴⁰.

1030. On the other hand, public authorities allege that there is hate speech coming from some media towards the president, although without specifying the content of such messages²³⁴¹. On May 3, on World Press Freedom Day, the Secretariat for Human Rights expressed its commitment to freedom of expression, while condemning "the advocacy of hatred, discrimination and misogyny" of some sectors, including the media,

²³³² Meeting with civil society organizations, journalists and media in San Pedro Sula, held on April 26, 2023, within the framework of the on-site visit.

²³³³ C-Libre, [Aumenta la escalada de ataques contra periodistas del Reportar sin Miedo](#), 23 August 2023; C-Libre, [Doce periodistas de "Reportar sin Miedo" amenazados por realizar investigaciones periodísticas en Honduras](#), 2 August 2023.

²³³⁴ Reportar Sin Miedo Twitter account (@ReportarsinMied), [April 13, 2023](#); Agencia Presentes, April 19, 2023, [Five LGBTQ+ people under threat after racist and hate speech by mayor in Honduras](#).

²³³⁵ Document delivered by the team of Reportar Sin Miedo, at the meeting with civil society organizations, journalists and media in San Pedro Sula, held on April 26, 2023, in the framework of the on-site visit.

²³³⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Inter-American Legal Framework on the Right to Freedom of Expression](#), OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 53 et seq.

²³³⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Inter-American Legal Framework on the Right to Freedom of Expression](#), OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 53 et seq.

²³³⁸ UN, OSCE, OAS, ACHPR, October 20, 2021, [Joint Declaration 2021 on political leaders, public officials and freedom of expression](#).

²³³⁹ UN, OSCE, OAS, ACHPR, October 20, 2021, [Joint Declaration 2021 on political leaders, public officials and freedom of expression](#).

²³⁴⁰ IACHR, [Violence against LGBTI persons](#), OEA/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015, para. 248.

²³⁴¹ Human Rights Secretariat of Honduras / Facebook, [May 3, 2023](#).

against the President of the Republic²³⁴². In the opinion of the government entity, the increase in hate speech in Honduras is "a threat to fundamental rights, democratic values, stability, social peace and has devastating effects on communities"²³⁴³.

1031. In this regard, the Rapporteurship wishes to emphasize that the concept of hate speech originated in the framework of international law as a way to protect minorities whose fundamental rights have been violated or are at risk²³⁴⁴. The notion of hate speech refers to "expressions in favor of incitement to do harm based on the identification of the victim as belonging to a certain social or demographic group"²³⁴⁵.

1032. Moreover, hate speech "does not consist of broad, abstract ideas, such as political opinions and ideologies, personal creeds or beliefs"²³⁴⁶. International standards are very restrictive in qualifying as hate speech any insult or expression that is derogatory, shocking, disturbing, provocative or prejudiced, and recognize that "there is a range of hate speech, however distasteful, that does not involve direct incitement or threat", and is therefore protected by the right to freedom of expression²³⁴⁷.

1033. With a view to providing greater clarity in this regard, the UN Rabat Plan of Action proposes a six-part threshold test that assesses the "seriousness" of expressions alleged as hate speech, in order to evaluate whether or not they could constitute a crime. This assessment is to be conducted by the judiciary, in a manner consistent with international human rights standards²³⁴⁸. The test considers: (a) the prevailing social and political context at the time of the speech and its dissemination; (b) the position of the speaker in relation to the intended audience of the speech; (c) the speaker's intent; (d) the content and form of the speech, understood as "the degree to which the speech was provocative and direct, as well as the form, style and nature of the arguments deployed." e) the scope of the speech, which is measured by elements such as its public nature, its magnitude, what media were used, the frequency, the size of the audience; f) the likelihood, including imminence, meaning that "some degree of risk of harm must be identified" and that "there was a reasonable likelihood that the speech succeeded in inciting actual action against the target group, recognizing that such causation must be rather direct"²³⁴⁹.

1034. The Rapporteurship understands that the analysis of the social and political context required by the Rabat Plan should consider the position of the person or group of persons that the speech allegedly seeks to attack. In this sense, it is important to differentiate the role that public officials occupy in the public debate with respect to the rest of the citizenry in the public debate; and that any restriction on freedom of expression based on the prohibition of hate speech should not overlook the higher levels of tolerance to which they are subject by the nature of their functions. Otherwise, as the IACHR has already pointed out, the prohibition of hate speech could easily be manipulated to encompass expressions deemed offensive by those in power, leading to the misapplication of the law to restrict critical and dissenting expressions²³⁵⁰. Moreover, the Rapporteurship has previously emphasized that in a democracy, the legitimacy of institutions is rooted and strengthened by the vigor of public debate about their functioning, not by their suppression²³⁵¹.

²³⁴² Human Rights Secretariat of Honduras / Facebook, [May 3, 2023](#).

²³⁴³ Human Rights Secretariat of Honduras / Facebook, [May 3, 2023](#).

²³⁴⁴ UN, [Understanding hate speech](#).

²³⁴⁵ IACHR, [Violence against LGBTI persons](#), OAS/Ser.L/V/II.rev.2 Doc. 36, Nov. 12, 2015, para. 222, citing to: UNESCO, Countering Online Hate Speech [Countering Online Hate Speech], 2015, pp. 10 -11 (IACHR free translation).

²³⁴⁶ IACHR, [Violence against LGBTI persons](#), OAS/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015, para. 223.

²³⁴⁷ UN, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/74/486, October 9, 2019, para. 24; IACHR, Office of the Special Rapporteur for Freedom of Expression, [Inter-American Legal Framework on the Right to Freedom of Expression](#), OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 31.

²³⁴⁸ UN, Report of the United Nations High Commissioner for Human Rights on the expert workshops on the prohibition of incitement to national, racial or religious hatred, A/HRC/22/17/Add.4, 11 January 2013, paras. 27-29 (appendix).

²³⁴⁹ UN, Report of the United Nations High Commissioner for Human Rights on the expert workshops on the prohibition of incitement to national, racial or religious hatred, A/HRC/22/17/Add.4, 11 January 2013, para. 29 (appendix).

²³⁵⁰ IACHR, [Violence against LGBTI persons](#), OAS/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015, para. 223.

²³⁵¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Inter-American Legal Framework on the Right to Freedom of Expression](#), OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 58.

D. Freedom of expression and the Internet

1035. Internet access is a *sine qua non* condition for the effective exercise of human rights today, including especially the rights to freedom of expression and opinion, association and assembly, education, health and culture²³⁵². In this regard, the Rapporteurship warns that in Honduras the high digital divide is a barrier to the effective enjoyment of human rights on the Internet. According to 2022 data from the Permanent Multipurpose Household Survey of the National Institute of Statistics of Honduras, 46% of the population - almost half- does not have access to the Internet. Most people access the internet from their homes and through their cell phones. Only 17.1% of households own a computer, while 92.8% of all households own a cell phone to access the internet²³⁵³.

1036. According to academic studies and analyses by specialized UN agencies, the digital divide in Honduras is one of the highest in the Central American region, and has a differentiated impact on women due to the situation of structural discrimination that prevails in the country²³⁵⁴.

1037. The Special Rapporteurship welcomes the State's efforts to advance in the universalization of Internet access and the reduction of the digital divide. For example, in 2022, the Government and the authorities of the Ministry of Education launched the National Program for Digital Educational Transformation, in order to provide digital literacy opportunities to children, adolescents and young people and to strengthen Honduran teachers in digital skills. According to available information, the first test of the program will be implemented in approximately 71 rural and urban schools in 16 of the 18 departments of the country²³⁵⁵. Also, during the on-site visit, the Directorate of Management by Results (DIGER) and its Honduran Agency of the Digital Republic (AGEHRED) informed the IACHR and RELE about ongoing programs to improve connectivity in at least 1000 schools in the 2007 villages identified as being in extreme poverty²³⁵⁶.

1038. As highlighted in the RELE report "Freedom of Expression and the Internet", States must take actions to promote, in a progressive manner, universal access not only to infrastructure, but also to the technology necessary for its use and to the greatest possible amount of information available on the network; eliminate arbitrary barriers to access to infrastructure, technology and online information; and adopt positive differentiation measures to allow the effective enjoyment of this right to individuals or communities that require it due to their circumstances of marginalization or discrimination²³⁵⁷. Likewise, it is essential that they promote programs for the development of digital skills and digital literacy from a human rights perspective, enabling all people to make autonomous, independent and responsible use of the Internet²³⁵⁸.

²³⁵² IACHR, Office of the Special Rapporteur for Freedom of Expression, [Standards for a free, open and inclusive internet](#), OEA/Ser.L/V/II IACHR/RELE/INF.17/17, March 15, 2017, para. 32.

²³⁵³ Instituto Nacional de Estadística de Honduras, [Encuesta Permanente de Hogares de Propósitos Múltiples \(EPHPM\) June 2022](#).

²³⁵⁴ UNDP Honduras, March 6, 2023, [Promoting access to digital solutions in favor of women for sustainable development](#); Universidad Nacional Autónoma de Honduras, July 5, 2021, [Digital divide, a symptom of low inclusive economic growth](#).

²³⁵⁵ Channel 8, September 27, 2022, [Government launches National Digital Education Transformation Program](#).

²³⁵⁶ Meeting with Comisión Nacional de Telecomunicaciones (CONATEL) and Dirección de Gestión por Resultados (DIGER), held on April 25, 2023, within the framework of the on-site visit.

²³⁵⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Freedom of Expression and the Internet](#), OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 15.

²³⁵⁸ IACHR, March 26, 2021, [How to promote universal internet access during the COVID-19 pandemic](#), Sacroi COVID-19 Practical Guides.

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1039. In 2023, the Office of the Special Rapporteur recorded at least four instances in which journalists and local media workers were physically or verbally attacked, an increase from previous years. Most of these attacks were reportedly in the midst of covering demonstrations and political rallies, and could have been motivated by a growing stigmatization of journalistic work in the country. This would also be the first year in which the headquarters of a media outlet has been attacked with firearms. Nevertheless, the Rapporteurship recorded progress in terms of training for members of the press in the country through the Caribbean Media Institute and the Press Association of Jamaica, as well as in investigative journalism. On the other hand, RELE was informed of multiple protests for, among other reasons, the provision of public services and goods, alleged instances of police brutality, and alleged threats by the police to protesters with legal proceedings for road blockades. With respect to the fight against discrimination and exclusion, this Office observed that the situation of marginalization of the LGBTI population would not show improvement. On the other hand, the transition of the State from a constitutional monarchy to an independent republic would continue to advance along with the public debate on the legacy of slavery and the call for historical reparations. In the area of freedom of expression and the Internet, the Rapporteurship learned of an increase in the number of cyber attacks against public and private institutions, although it also learned of progress in the implementation of the Data Protection Law, universal access to the Internet and digital literacy.

A. Journalism and democracy

1040. In early 2023, the Special Rapporteurship received the report on media literacy, misinformation and trust in the Caribbean media, published by the *Public Media Alliance (PMA)*, the largest global association of public media organizations; this report would have analyzed the situation in eight Caribbean countries, including Jamaica.²³⁵⁹ The country report would have seven recommendations, including creating a means of verifying information; developing a partnership between experts and the media to combat disinformation; conducting a media literacy campaign; and improving the level of trust in the press through the accuracy of information disseminated by media outlets on their online platforms.²³⁶⁰

1041. Based on interviews with media workers, academics and members of civil society, the *WFP* concluded that the national public would be vulnerable to false information on social networks because they lack the necessary media literacy skills.²³⁶¹ Interviewees reportedly agreed on the difficulty of promoting literacy, especially among those with less formal education. Additionally, there would be disagreements on how to incorporate media literacy into school curricula with respect to method, approach and age appropriateness.

1042. In terms of disinformation, the *WFP* research indicates that there is a consensus that there are groups in the country that are committed to disseminating false information on social networks.²³⁶² The report explains that Jamaican users are unaware of the functioning of algorithms that perpetuate this type of information, indicating that its dissemination would be triggered especially during election periods and in relation to political disputes and gender issues. Finally, the *WFP* concluded in its study that, while there would be a significant level of trust in physical newspapers, this trust would diminish in the content published online due to the prevalence of false or incomplete information.²³⁶³

²³⁵⁹ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

²³⁶⁰ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

²³⁶¹ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

²³⁶² Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023; Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

²³⁶³ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

1043. On the other hand, the Special Rapporteurship recorded the decline of Jamaica in the world press freedom ranking of *Reporters Without Borders*. According to this organization, the country dropped 20 positions between 2022 and 2023, from 12th to 32nd, due to a worsening in the safety and integrity of journalists in the country.²³⁶⁴

1044. In November 2022, a *Television Jamaica (TVJ)* cameraman and a *Jamaica Gleaner* reporter were reportedly victims of a physical attack while covering a teachers' protest in Spanish Town, the capital of the parish of St. Catherine.²³⁶⁵ According to available information, a man allegedly interrupted the coverage of a teachers' strike at an elementary school, hitting the *TVJ* cameraman, pulling the cable of his microphone and attempting to destroy his camera.²³⁶⁶ The man also allegedly tried to take the cell phone of the *Jamaica Gleaner* reporter. The attacker then allegedly threatened to kill both journalists before being taken away by individuals outside the school.²³⁶⁷ The Special Rapporteur learned that the alleged perpetrator was reportedly arrested by the *Spanish Town* police and charged with bodily harm and destruction of property, but was killed before reappearing in court.²³⁶⁸ Reporters Without Borders reportedly explained that this would be the first attack against journalists in the last decade, although the high rates of violence in the country could pose a threat to media workers investigating sensitive issues.²³⁶⁹

1045. In May 2023, the Rapporteurship was informed of a verbal attack to which a journalist was allegedly subjected at the *People's National Party (PNP)* headquarters. According to available information, a member of the party reportedly threatened to rape a *Radio Jamaica* reporter while she was covering a protest against the party's decision on its choice of standard bearer for the St. Catherine South Eastern constituency.²³⁷⁰ The *Press Association of Jamaica (PAJ)* and the *Media Association of Jamaica* reported that other colleagues from the *Nationwide News Network* and *Television Jamaica* were also reportedly threatened and intimidated.²³⁷¹ In addition, both organizations reported that the party's deputy secretary general criticized the journalists present for wearing the colored clothing of political opponents and demanded that they leave the premises to prevent them from questioning the *PNP* vice-president.²³⁷²

1046. Hours after the events, this Office received a communiqué from the government rejecting the attempts to intimidate, threaten or attack journalists and media workers in the country.²³⁷³ Likewise, this Office received another communiqué from the *PNP* in which the leadership condemned the comments and threats issued and apologized to the victims, alleging that it would support the authorities' investigations and would be willing to take the necessary actions against the perpetrator.²³⁷⁴

1047. In September, RELE was informed of a shooting at the headquarters of *Nationwide Radio* in Kingston, the capital of Jamaica. According to the information reported by the media, a gunman on a motorcycle

²³⁶⁴ Reporters Without Borders, [2023 World Press Freedom Index: Jamaica](#), May 3, 2023.

²³⁶⁵ Reporters Without Borders, [2023 World Press Freedom Index: Jamaica](#), May 3, 2023.

²³⁶⁶ The Jamaica Observer, [PAJ, MAJ condemn attack on journalists](#), November 30, 2022; Caribbean National Weekly, [Jamaican man arrested after attack on journalists](#), December 2, 2022.

²³⁶⁷ The Jamaica Observer, [PAJ, MAJ condemn attack on journalists](#), November 30, 2022; Caribbean National Weekly, [Jamaican man arrested after attack on journalists](#), December 2, 2022.

²³⁶⁸ The Jamaica Gleaner, [Media workers attacked while covering protest at Homestead Primary](#), Nov. 29, 2022; Caribbean Loop News, [Man arrested, charged following attack on journalists in St. Catherine](#), Dec. 2, 2023; The Jamaica Gleaner, [Man who allegedly assaulted media worker to return to court February 6](#), Dec. 14, 2022; The Jamaica Gleaner, [Man who attacked media workers gunned down in Clarendon](#), Dec. 31, 2022; The Jamaica Observer, [Man killed, woman injured in highway shooting](#), Dec. 31, 2022.

²³⁶⁹ Reporters Without Borders, [2023 World Press Freedom Index: Jamaica](#), May 3, 2023.

²³⁷⁰ Television Jamaica, [Journalists Verbally Attacked at PNP HQ](#), May 9, 2023; The Jamaica Observer, [A new low](#), May 10, 2023; The Jamaica Gleaner, [What transpired was disgraceful](#), May 10, 2023.

²³⁷¹ Television Jamaica, [Journalists Verbally Attacked at PNP HQ](#), May 9, 2023; The Jamaica Observer, [A new low](#), May 10, 2023; The Jamaica Gleaner, [What transpired was disgraceful](#), May 10, 2023.

²³⁷² Television Jamaica, [Journalists Verbally Attacked at PNP HQ](#), May 9, 2023; The Jamaica Observer, [A new low](#), May 10, 2023; The Jamaica Gleaner, [What transpired was disgraceful](#), May 10, 2023.

²³⁷³ The Jamaica Gleaner, [Gov't condemns rape threat allegedly made against journalist at PNP headquarters](#), May 9, 2023; Television Jamaica, [Journalists Verbally Attacked at PNP HQ](#), May 9, 2023.

²³⁷⁴ The Jamaica Observer, [PNP apologies for 'regrettable' incident involving journalists](#), May 9, 2023; Caribbean Times, [The Jamaica-opposition party extends an "unreserved" apology to journalists](#), May 10, 2023.

shot at its headquarters, located on Bradley Avenue, in the afternoon hours.²³⁷⁵ Preliminary investigations indicate that at least four bullets were fired, shattering the windows of a vehicle next to the door of the radio station's building.²³⁷⁶ *Nationwide Radio* employees and collaborators were reportedly in the parking lot at the time of the attack, although none were injured.²³⁷⁷ The Prime Minister condemned the shooting, reiterating "his commitment and support for a free press that should not be intimidated in any way" and calling on the authorities to launch a high-level investigation.²³⁷⁸

1048. The armed attack on *Nationwide Radio* reportedly came days after the general secretary of the *People's National Party (PNP)* referred to the radio station as an "incubator for the *Jamaica Labour Party*," according to public information.²³⁷⁹ The radio station reportedly responded to the *PNP*'s deputy secretary general, requesting that he retract his remarks, saying that his words would give "*PNP* supporters free rein to see us as the enemy and treat us as such."²³⁸⁰ The Jamaica Press Association also condemned the opposition party's statements, noting that it would be an attack on press freedom that could put the media at risk that would require a retraction.²³⁸¹

1049. This Office recalls that States should: i. adopt special protection measures for individuals who are likely to be persecuted for their statements in environments where this problem is recurrent; ii. ensure that crimes against freedom of expression are subject to independent, prompt and effective investigations and judicial proceedings; and iii. ensure that victims of crimes against freedom of expression have access to adequate reparations.²³⁸² Similarly, protection measures for journalists and media workers should include a gender perspective that takes into account both the particular forms of violence suffered by women and the specific ways in which protection measures that may be necessary or appropriate for women journalists are implemented.²³⁸³

1050. Additionally, the Rapporteurship reiterates that the category of crimes against freedom of expression should be recognized by criminal law, either expressly or as an aggravating circumstance that entails the imposition of more severe penalties for such crimes because of their gravity; and ii. crimes against freedom of expression, and the crime of obstruction of justice in relation thereto, should be subject to imprescriptibility or extended statutes of limitation (for example, by extending the legal period within which the criminal investigation must be concluded).²³⁸⁴

1051. Finally, this Office insists that political leaders and public officials should not intentionally make false statements that attack the integrity of journalists, media workers or human rights defenders.²³⁸⁵ In this regard, public officials should take care to ensure that their comments are accurate, avoid stigmatizing and

²³⁷⁵ *Nationwide Radio*, [Gun Attack at Nationwide90FM](#), September 8, 2023; *Caribbean National Weekly*, [Nationwide News Network in Jamaica Attacked by Gunmen](#), September 9, 2023.

²³⁷⁶ *The Jamaica Observer*, [Gunmen shoot at Nationwide 90fm offices](#), September 8, 2023; *Radio Jamaica News*, [Gunmen fire shots into parking lot of Nationwide News](#), September 8, 2023.

²³⁷⁷ *Caribbean Loop News*, [Gunman shoots up Nationwide News Network car park](#), 8 September 2023; *The Jamaica Gleaner*, ['We are not going to be intimidated.' NNN boss says after gun attack at radio station](#), 8 September 2023.

²³⁷⁸ *The Jamaica Observer*, [Gov't, PAJ condemn gun attack at Nationwide News Network](#), Sept. 8, 2023; *Radio Jamaica News*, [Prime Minister orders high level probe of NNN shooting](#), Sept. 11, 2023; *Nationwide Radio*, [PM Condemns Attack on Nationwide Media House](#), Sept. 11, 2023.

²³⁷⁹ *The Jamaica Observer*, [PAJ condemns dangerous remarks by Dayton Campbell](#), September 6, 2023; *Caribbean National Weekly*, [Nationwide News Network in Jamaica Attacked by Gunmen](#), September 9, 2023.

²³⁸⁰ *The Jamaica Observer*, [PAJ condemns dangerous remarks by Dayton Campbell](#), September 6, 2023; *Caribbean National Weekly*, [Nationwide News Network in Jamaica Attacked by Gunmen](#), September 9, 2023.

²³⁸¹ *Nationwide Radio*, [PAJ Condemns Dayton Campbell's Attack on Nationwide News Network](#), September 5, 2023; *Radio Jamaica News*, [PAJ calls for PNP General Secretary to retract comments about Nationwide reporters](#), September 5, 2023; *Caribbean Loop News*, [PAJ wants PNP's Dayton Campbell to retract statement about reporters](#), September 5, 2023; *Dionne Jackson Miller's X Account (@djmilllerJA)*, [May 9, 2023](#).

²³⁸² OAS, UN, OSCE, CADHP, Joint Declaration on Crimes against Freedom of Expression. 2012. Pt. 1.c.

²³⁸³ IACHR, Office of the Special Rapporteur for Freedom of Expression, *Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión*, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, March 15, 2017, para. 173.

²³⁸⁴ OAS, UN, OSCE, ACHPR, Joint Declaration on Crimes against Freedom of Expression, 2012.

²³⁸⁵ OAS, UN, OSCE, ACHPR, Joint Declaration on Political Leaders, Public Officials and Freedom of Expression, 2021.

discrediting the media by resorting to labels that refer to so-called "fake news" or other labels that discredit the media, and not threaten journalists or undermine respect for the independence of the media.²³⁸⁶

1052. In the framework of World Press Freedom Day, the Office of the Special Rapporteur received a communiqué issued by the *Media Institute of the Caribbean (MIC)*, based in Jamaica.²³⁸⁷ The *MIC* made reference to the threats faced by regional media due to "advances in digital technology" and the lack of "adequate business models."²³⁸⁸ The institute also reportedly referred to "the scarcity of efficient access to official information" to inform the public.²³⁸⁹ With regard to specific risks, the *MIC* reportedly referred to online harassment and misinformation, as well as *spyware*. Finally, the institute expressed its commitment to "support initiatives towards freedom of expression and reflect the Caribbean experience in doing so."²³⁹⁰

1053. For its part, the Jamaican government said it remained "committed to freedom of the press and access to information" during a press conference.²³⁹¹ In this meeting with the media, according to information provided to the Special Rapporteurship, the government reportedly admitted the decline in the press freedom index prepared by Reporters Without Borders, assuring that the current administration continues to implement "significant steps to provide access to information."²³⁹² Among such efforts would be, according to the cabinet, the new Access to Information Law, which would be at the Attorney General's Office for review before being submitted to parliament.²³⁹³

1054. Among the initiatives organized by the Caribbean Media Institute in 2023, RELE highlights in particular the project on freedom and access to information that would seek to strengthen transparency and accountability. The project, according to information shared by the *MIC*, would consist of five stages that would include trainings, the launch of an *advocacy toolkit* to advocate for the implementation of a legal framework in each country, and the installation of an online *help desk* for journalists processing access to information requests.²³⁹⁴ The toolkit would provide a template for building coalitions to advocate for the implementation of access to information laws, arguments in favor of these legal frameworks, model letters to allies and legislators, suggested lists of local, regional and international partners, and answers to frequently asked questions.²³⁹⁵ According to the information received, the online help desk would allow journalists and media workers to share their access to information requests with experts on a confidential basis for guidance on how to address denials, follow up and pursue other remedies.²³⁹⁶

1055. Likewise, RELE took note of the trainings carried out by the Caribbean Media Institute and highlights the following: four workshops on access to information in the Caribbean, held every Monday in January and with the participation of experts, including Special Rapporteur Pedro Vaca Villarreal;²³⁹⁷ seven workshops on business journalism during the month of February;²³⁹⁸ a panel on the implications of artificial intelligence; a series of workshops on financial journalism between May and June;²³⁹⁹ four workshops on covering civic space in the Caribbean, particularly with respect to states of emergency, also during May and June;²⁴⁰⁰ weekly workshops on covering climate change and public health issues in the region from mid-June

²³⁸⁶ OAS, Guide to guarantee freedom of expression in the face of deliberate disinformation in electoral contexts, OEA/Ser.D/XV.22, 2019, p. 38-39.

²³⁸⁷ Media Institute of the Caribbean, [World Press Freedom Day 2023](#), May 3, 2023.

²³⁸⁸ Media Institute of the Caribbean, [World Press Freedom Day 2023](#), May 3, 2023.

²³⁸⁹ Media Institute of the Caribbean, [World Press Freedom Day 2023](#), May 3, 2023.

²³⁹⁰ Media Institute of the Caribbean, [World Press Freedom Day 2023](#), May 3, 2023.

²³⁹¹ Jamaica Government Information Service, [Gov't Remains Committed to Press Freedom](#), May 3, 2023.

²³⁹² Jamaica Government Information Service, [Gov't Remains Committed to Press Freedom](#), May 3, 2023.

²³⁹³ Jamaica Government Information Service, [Gov't Remains Committed to Press Freedom](#), May 3, 2023.

²³⁹⁴ Media Institute of the Caribbean, [Release: Media Institute of the Caribbean Pioneers Freedom of Information Initiative](#), January 16, 2023.

²³⁹⁵ Media Institute of the Caribbean, [Freedom of / Access to Information Advocacy Toolkit](#), January 16, 2023.

²³⁹⁶ Media Institute of the Caribbean, [FOI / ATI Help Desk](#), January 16, 2023.

²³⁹⁷ Media Institute of the Caribbean X account (@micinvestigates), [January 4, 2023](#); Media Institute of the Caribbean X account (@micinvestigates), [January 23, 2023](#).

²³⁹⁸ X account of the Media Institute of the Caribbean (@micinvestigates), [January 30, 2023](#).

²³⁹⁹ X account of the Media Institute of the Caribbean (@micinvestigates), [May 4, 2023](#).

²⁴⁰⁰ X account of the Media Institute of the Caribbean (@micinvestigates), [May 9, 2023](#).

to mid-July;²⁴⁰¹ and a course on investigative journalism in the region in August in partnership with the *International Center for Journalists (ICFJ)*.²⁴⁰²

1056. On the occasion of National Journalism Week, the Rapporteurship was informed of the agenda scheduled by the Press Association of Jamaica between January 29 and February 4, 2023. According to information shared by PAJ, the week would have been held under the theme "a free press for a better Jamaica" and would have included a forum on regulation and accountability in the digital age with respect to minors, a tribute to veteran media workers, and an awards ceremony for journalists whose work would have been highlighted in 2022.²⁴⁰³ The forum would have addressed the code of practice for journalists and media organizations, which prohibits interviewing or taking photos of minors without the consent of their parents or guardians, as well as restricting the identification of minors involved in sex crime cases, whether as victims, witnesses or defendants.²⁴⁰⁴ Participants, including reporters and authorities, reportedly expressed concern about the lack of adherence to these principles, particularly by bloggers posing as journalists, and pledged to promote training and to report cases in which these principles are violated.²⁴⁰⁵

1057. This Office welcomes efforts to provide members of the press with access to training to develop their skills and knowledge to carry out their journalistic work to the highest standards.

1058. In the second half of 2023, RELE registered the publication of investigative journalism through the *Caribbean Investigative Journalism Network (CIJN)*. CIJN's investigations would have focused on civic space in Jamaica, thus covering the progress of a community in a historically poor and violent neighborhood;²⁴⁰⁶ the origin and consequences of illegal gun trafficking from the U.S. to Jamaica, such as the alleged gifting to supporters of the island's two political parties and nearly 3,000 homicides since 2000;²⁴⁰⁷ and the unexpected delays with the southern coastal road improvement project that would be affecting the mobility and economy of impacted residents and travelers, who reportedly preferred anonymity to avoid possible reprisals.²⁴⁰⁸

1059. Likewise, this Office welcomes efforts to promote investigative journalism in the country in order to strengthen accountability and provide input for public debate on issues of national interest.

B. Freedom of expression, rule of law and democratic institutionalality

1060. Throughout 2023, the Special Rapporteur recorded multiple protests on the island. In February, students at the *University of the West Indies (UWI)* reportedly demonstrated to demand the dismissal of the student services manager for allegedly failing to respond to a threat against the physical integrity of a student by criminals on campus.²⁴⁰⁹ In March and September, demonstrations and roadblocks were reportedly held for alleged instances of police brutality, first in James Town for the alleged beating of a man by the authorities before being arrested;²⁴¹⁰ and then in Denham Town for the alleged murder of a 34-year-old man

²⁴⁰¹ X account of the Media Institute of the Caribbean (@micinvestigates), [June 9, 2023](#).

²⁴⁰² X account of the Media Institute of the Caribbean (@micinvestigates), [July 7, 2023](#).

²⁴⁰³ Press Association of Jamaica, [Face-to-face activities for National Journalism Week](#), January 27, 2023.

²⁴⁰⁴ Nationwide Radio, [BCI To Revamp Child Code for Programming](#), January 31, 2023; The Jamaica Gleaner, [Bloggers slammed as rogue journalists](#), February 1, 2023.

²⁴⁰⁵ Nationwide Radio, [BCI To Revamp Child Code for Programming](#), January 31, 2023; The Jamaica Gleaner, [Bloggers slammed as rogue journalists](#), February 1, 2023.

²⁴⁰⁶ Caribbean Investigative Journalism Network, [Bucknor - A volatile Clarendon Community Transitions From Violent Past](#), September 11, 2023.

²⁴⁰⁷ Caribbean Investigative Journalism Network, [The US Gun Route to Death](#), August 2, 2023.

²⁴⁰⁸ Caribbean Investigative Journalism Network, ["Not an easy Road!" - Jamaica's Southern coastal Highway Improvement Project](#), September 11, 2023.

²⁴⁰⁹ Caribbean Loop News, [Protest at UWI: Students call for official to go](#), February 20, 2023; The Jamaica Gleaner, [UWI, disgruntled students in talks following protests](#), February 20, 2023; The Jamaica Observer, [UWI squabble](#), February 21, 2023.

²⁴¹⁰ Radio Jamaica News, [James Town residents protest 'police brutality' against detained man](#), March 13, 2023; The Jamaica Observer, [James Town residents protest police treatment of 'Mattalon'](#), March 15, 2023.

by police officers without any apparent justification.²⁴¹¹ Also, in March there were protests by opposition sectors for the fourth postponement of regional elections until February 2024.²⁴¹²

1061. Additionally, in May, residents of East Portland reportedly staged protests over the condition of the road network and lack of water for eight weeks, blocking the passage of dozens of vehicles, according to available information.²⁴¹³ This Office received reports that police reportedly warned residents in the sector that they could be prosecuted for their participation in the demonstrations, arguing that "it is illegal to block the road," adding that "police made recordings of people blocking the road" and would be "looking at those recordings in order to prosecute people found in violation."²⁴¹⁴ In May, this Office was also informed of citizen and civil servants' union protests over parliamentarians' salary increases of between 100 and 250 percent;²⁴¹⁵ the demonstrations were reportedly monitored by police.²⁴¹⁶

1062. The Rapporteurship recalls that when social protest is framed within the framework of speeches that criticize or denounce public officials and authorities or refer to matters of public interest, they are especially protected by Article 13 of the ACHR.²⁴¹⁷ Likewise, this Office reiterates that, in principle, it is inadmissible to criminalize per se demonstrations in public streets when they are carried out within the framework of the right to freedom of expression and the right to assembly.²⁴¹⁸ Therefore, in contexts of social protest, States must refrain from engaging in practices of mass, collective or indiscriminate arrests.²⁴¹⁹

1063. In September, the Office of the Special Rapporteur was informed of a shooting attack against the director of corruption and prevention of the Jamaica Integrity Commission, an independent body that implements the country's anti-corruption legislation.²⁴²⁰ According to available information, the authorities are working on the assumption that the attack was an attempted robbery and not the result of the official's investigative work.²⁴²¹ However, the statements of the executive director of the Commission have generated controversy for alleged bias by assuring the media that they should "ask the government" about the cause of the attack.²⁴²² Since July 2023, and until the closing date of this annual report, the Commission would be investigating at least six parliamentarians for illicit enrichment.²⁴²³

²⁴¹¹ The Jamaica Observer, [Denham Town residents mount fiery protest over fatal police shooting](#), 7 September 2023; Caribbean Loop News, [Residents block road in Denham Town after man is fatally shot by cops](#), 7 September 2023.

²⁴¹² Nationwide Radio, [Gov't, Opposition Clash: Local Government Elections Postponed for a 4th Time](#); February 21, 2023; Caribbean Loop News, [PNP protests local gov't election postponement, asks others to join](#), March 7, 2023; The Jamaica Gleaner, [Opposition intensifies protest over delayed polls, high inflation](#), March 14, 2023.

²⁴¹³ Nationwide Radio, [Another Protest in East Portland Over Lack of Water and Bad Roads](#), May 8, 2023; The Jamaica Gleaner, [East Portland residents again block roads to press demands for water](#), May 8, 2023; Radio Jamaica News, [Residents of Drapers, Portland protest lack of water, poor road conditions](#), May 8, 2023.

²⁴¹⁴ Nationwide Radio, [East Portland Protesters Could Face Prosecution](#), May 16, 2023; The Jamaica Observer, [Arrests possible for recent Portland protests, says cop](#), May 17, 2023.

²⁴¹⁵ Television Jamaica, [Public Outrage at Parliament 100-250% Salary Increase](#), May 17, 2023; Caribbean National Weekly, [Jamaicans stage protest over massive salary increase to politicians](#), May 19, 2023; The Jamaica Observer, ['Angry' protesters pile pressure on Gov't over huge salary increase](#), May 24, 2023.

²⁴¹⁶ The Jamaica Gleaner, [Police to monitor demonstrations over parliamentarians' salary hike](#), May 18, 2023; Caribbean Loop News, [Cops flood New Kingston to monitor protest on pay hike for politicians](#), May 20, 2023.

²⁴¹⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, paras. 206.

²⁴¹⁸ IACHR, Annual Report 2005, Report of the Office of the Special Rapporteur for Freedom of Expression, Chapter V: Public Demonstrations as an Exercise of Freedom of Expression and Freedom of Assembly, OEA/Ser.L/V/II.124 Doc. 7, February 27, 2006, para. 96.

²⁴¹⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, paras. 138 - 229.

²⁴²⁰ Integrity Commission of Jamaica, [About](#), undated.

²⁴²¹ RJR News, [Watchdog group calls for Integrity Commission's Christie to resign](#), Sept. 22, 2023; Caribbean Loop News, [NIA calls for Christie's head](#), Sept. 23, 2023.

²⁴²² Nationwide Radio, [Condemnation for Gun Attack on IC Director](#), September 21, 2023; Caribbean Loop News, [Integrity Commission not blaming Gov't for attack on director](#), October 10, 2023.

²⁴²³ The Jamaica Observer, [Six Jamaican parliamentarians under probe for illicit enrichment - Integrity Commission](#), July 11, 2023; The Jamaica Gleaner, [Six Jamaican lawmakers under probe for alleged illicit enrichment](#), July 11, 2023.

1064. This Rapporteurship recalls that the denunciations of acts of corruption and the debates surrounding the management and handling of public resources are framed within the categories of speeches especially protected by the right to freedom of expression in Inter-American jurisprudence.²⁴²⁴

1065. Finally, during the course of the year, RELE received reports of multiple controversies and legal proceedings for defamation. Among the cases documented by this Office were the lawsuit filed by a businessman against Shelly-Ann Curran, blogger and Internet talk show host, for linking him to alleged fraudulent activities through her YouTube channel and social media profile;²⁴²⁵ as well as the lawsuit filed by the Minister of Science, Energy and Telecommunications against the Secretary General of the National People's Party for his alleged defamatory pronouncements through a live broadcast of a political rally.²⁴²⁶ In addition, the Secretary General of the opposition party is also reportedly facing two additional lawsuits from a member of parliament and another former member of parliament of the governing Jamaica Labor Party.²⁴²⁷ Both plaintiffs would argue that the People's National Party (JLP) leader's pronouncements at a gathering of supporters in July would be defamatory, for which each would seek a settlement of J\$20 million and J\$15 million, respectively.²⁴²⁸

1066. This Office recalls that States should ensure that civil defamation laws are tailored to provide greater protection for expression on political and other matters of public concern, including by requiring politicians and persons exercising public office to tolerate a higher level of criticism than ordinary citizens; ensure that damages awards are proportionate, taking into account all the circumstances, and are not so large as to have a chilling effect on freedom of expression; ensure that courts are empowered, either at the request of the defendant or on their own motion, to dismiss, summarily and at an early stage of the proceedings, defamation claims involving statements on matters of public interest that have no realistic prospect of success (strategic claims against public participation or SLAPPs); and ensure that defendants have appropriate defenses in defamation cases involving statements on matters of public interest so that they do not have strict liability for inaccurate statements of fact, such as the defense of "reasonable publication."²⁴²⁹

C. Freedom of expression and the fight against discrimination and exclusion

1067. At the end of 2022, the Special Rapporteur was informed of government efforts to combat discrimination and stigma against persons living with HIV and AIDS, while improving medical, social and psychological care for this population.²⁴³⁰ According to available information, Jamaica would have been one of the first countries to endorse and support the Global Partnership for Action to End All Forms of HIV-related Stigma and Discrimination.²⁴³¹ However, in mid-June 2023, public health experts from the *University of the West Indies* reportedly expressed concern about the "lack of Caribbean representation" on the O'Neill-Lancet Commission on Racism, Structural Discrimination and Global Health, which is charged with identifying and promoting the implementation of anti-racist actions and strategies by states, civil society actors and global health institutions to reduce structural discrimination.²⁴³²

1068. In February 2023, RELE learned that activists are again reportedly calling on the judiciary to repeal a colonial-era law, the 1864 *Offences Against the Person Act (OAPA)*, which would criminalize sex

²⁴²⁴ IACHR, Corruption and Human Rights: Inter-American Standards, OEA/Ser.L/V/II. Doc. 236, December 6, 2019, para. 193.

²⁴²⁵ Caribbean Loop News, [Public figure Shelly-Ann Curran sued by businessman over SSL comment](#), 27 February 2023; The Jamaica Gleaner, [Ex-SSL boss files defamation suit against Shelly-Ann Curran](#), 27 February 2023.

²⁴²⁶ The Jamaica Observer, [Yaz takes legal action against PNP gen sec over comments at party rally](#), August 4, 2023; Caribbean Loop News, [Yaz sues Campbell for defamation](#), August 5, 2023.

²⁴²⁷ Caribbean Loop News, [Legal woes mount for PNP's Campbell as more lawsuits surface](#), 12 August 2023; The Jamaica Observer, [More heat on Dayton](#), 12 August 2023.

²⁴²⁸ Caribbean Loop News, [Legal woes mount for PNP's Campbell as more lawsuits surface](#), 12 August 2023; The Jamaica Observer, [More heat on Dayton](#), 12 August 2023.

²⁴²⁹ OAS, UN, OSCE, ACHPR, Joint Declaration on Political Leaders, Public Officials and Freedom of Expression, 2021.

²⁴³⁰ Jamaica Government Information Service, [Gov't Committed to Tackling HIV/AIDS-Related Stigma](#), December 2, 2023.

²⁴³¹ Jamaica Government Information Service, [Gov't Committed to Tackling HIV/AIDS-Related Stigma](#), December 2, 2023.

²⁴³² University of the West Indies, [UWI experts call out lack of Caribbean representation on Global Health Commission](#), June 23, 2023.

between men with up to 10 years in prison.²⁴³³ The group's call would come as a growing number of states in the Caribbean, including St. Kitts and Nevis and Barbados in 2022, repeal similar laws, even though they would rarely be invoked.²⁴³⁴ According to available information, Jamaica's judiciary would have resisted the repeal, so the island would now be considered one of the most hostile places for members of the LGBTI community.²⁴³⁵ In a report by *Rainbow Railroad* and *Human Dignity Trust*, both organizations reportedly explain that the LGBTI population in the country faces "horrific violence, discrimination and persecution and a lack of the most basic protections under the law," recording at least 411 violent incidents in their latest annual monitoring.²⁴³⁶

1069. In March 2023, the Rapporteurship received the national survey of the LGBTI population in Jamaica, prepared by the United Nations Development Programme (UNDP).²⁴³⁷ The survey revealed that 54 percent of respondents would know of an LGBTI person who had been killed in the past 12 months because of their sexual orientation or gender identity; that 73 percent would feel fear of being attacked, threatened or harassed because of their sexual orientation and/or gender identity; that 61 percent would have felt discriminated against in the past year; and that eight out of 10 respondents would feel that there would be a difference in the enjoyment of human rights compared to the general public.

1070. Two years after the IACHR decision urging the Jamaican government to repeal the country's homophobic laws (*Gareth Henry and Simone Edwards v. Jamaica*), this Rapporteurship reiterates the Commission's call for the State to comply with the six recommendations set forth therein: repeal the sections of the Offences Against the Person Act that criminalize consensual sexual activity carried out in private between adults and sexual conduct between men who have sex with men or homosexuals;²⁴³⁸ adopt a legal framework or amend existing legislation with a view to prohibiting and punishing all forms of discrimination based on sexual orientation, gender identity or expression - real or perceived - and bodily diversity;²⁴³⁹ undertake the collection and analysis of statistical data in a systematic and disaggregated manner in the Jamaican Census regarding the prevalence and nature of violence and bias discrimination against persons based on their actual or perceived sexual orientation, gender identity or expression, and bodily diversity;²⁴⁴⁰ apply the standard of due diligence in the prevention, investigation, punishment and redress of violence against LGBTI persons, regardless of whether the violence occurs in the context of the family, the community or the public sphere, including in the workplace, education and health;²⁴⁴¹ conduct regular and sustained training activities for Jamaican public officials on sexual orientation, gender identity and gender expression, bodily diversity, and the challenges they face, particularly for judges, prosecutors, public defenders, and other justice operators, law enforcement, and the education, employment, and health sectors;²⁴⁴² and ensure that Jamaica's education programs are designed with the inclusion of the

²⁴³³ Associated Press, [Activists urge Jamaica to nix anti-sodomy laws amid violence](#), February 21, 2023; The Jamaica Observer, [Jamaican gay activist's constitutional challenge on hold](#), March 31, 2023.

²⁴³⁴ BBC News, [Barbados scraps laws banning same-sex acts](#), December 14, 2022; IACHR, [IACHR welcomes decision declaring criminalization of consensual same-sex relations unconstitutional in Barbados](#), Press Release No. 126/23, 19 June 2023; Reuters, [Saint Kitts ban on gay sex struck down by Caribbean regional court](#), 30 August 2022; IACHR, [IACHR welcomes decision declaring criminalization of LGBTI consensual sexual activity unconstitutional in Saint Kitts and Nevis](#), Press Release No. 198/22, 6 September 2023.

²⁴³⁵ Associated Press, [Activists urge Jamaica to nix anti-sodomy laws amid violence](#), February 21, 2023; The Jamaica Observer, [Jamaican gay activist's constitutional challenge on hold](#), March 31, 2023.

²⁴³⁶ Human Dignity Trust & Rainbow Railroad, [A Caribbean Outlier: Repeal Anti-LGBTQI+ in Jamaica](#), February 21, 2023.

²⁴³⁷ UNDP Latin America and the Caribbean, [Being LGBT in Jamaica: National Survey for Lesbian, Gay, Bisexual, Bisexual, and Transgender Persons](#), September 18, 2023.

²⁴³⁸ IACHR, Report No. 400/20. Case 13.637. Merits (Publication), [Gareth Henry and Simone Carline Edwards. Jamaica](#), December 31, 2020.

²⁴³⁹ IACHR, Report No. 400/20. Case 13.637. Merits (Publication), [Gareth Henry and Simone Carline Edwards. Jamaica](#), December 31, 2020.

²⁴⁴⁰ IACHR, Report No. 400/20. Case 13.637. Merits (Publication), [Gareth Henry and Simone Carline Edwards. Jamaica](#), December 31, 2020.

²⁴⁴¹ IACHR, Report No. 400/20. Case 13.637. Merits (Publication), [Gareth Henry and Simone Carline Edwards. Jamaica](#), December 31, 2020.

²⁴⁴² IACHR, Report No. 400/20. Case 13.637. Merits (Publication), [Gareth Henry and Simone Carline Edwards. Jamaica](#), December 31, 2020.

gender perspective, guaranteeing the deconstruction of stereotypes and prejudices and based on a model of guaranteeing the autonomy of all persons, especially LGBTI persons.²⁴⁴³

1071. On the other hand, as in the rest of the region, the Office of the Special Rapporteur recorded new public debates and initiatives around the legacy of transatlantic slavery and the call for reparations. In March, this Office was informed of the visit of 15 members of African monarchies to discuss how to address monetary and other reparations, considering the role African monarchs reportedly played in the sale of slaves.²⁴⁴⁴ In May, on the occasion of the coronation of the new British monarch, the Rapporteurship took note of statements by Jamaica's Minister of Legal Affairs and Constitutions, who reportedly stated that a referendum could be held in 2024 to gain independence from the British monarchy, although it would be held separately from general and local elections.²⁴⁴⁵ The Prime Minister reportedly reiterated his administration's commitment to the transition of the state from a constitutional monarchy to a republic while addressing the newly formed Constitutional Reform Committee;²⁴⁴⁶ such a committee would have been established to ensure Jamaica's smooth transition to a Republic, and would include representatives of the government, the parliamentary opposition, relevant experts and members of civil society.²⁴⁴⁷

D. Freedom of expression and the Internet

1072. In February 2023, the Special Rapporteur was informed of the *Broadcasting Commission of Jamaica's (BCJ)* decision to establish a digital literacy skills framework for citizens, particularly minors, to "make better decisions when using the Internet," whereby the strengths and weaknesses of Internet users in the country have already been identified²⁴⁴⁸ The executive director of the *BCJ* reportedly added that he was collaborating with the Internet safety website, Getsafe UK Limited, to establish a Getsafe Online Jamaica website, which would provide objective and easy-to-understand information to parents and children about online safety. As ascertained by this Office, the service of this platform in the country would have materialized in September 2023 and would offer practical guidelines for maintaining respect online, ensuring the safety of children and adolescents when surfing the web, verifying web pages to determine if they are legitimate and preventing *ransomware*.²⁴⁴⁹

1073. In October 2023, RELE was informed of the persistence of cyber attacks, including *ransomware*, by illegal actors against public and private organizations and institutions in the country. According to the head of the Jamaica *Cyber Incident Response Team (JaCIRT)*, there would be at least a dozen groups executing successful attacks each month, so he would have urged particularly vulnerable actors, such as those processing a large amount of data, to take precautions such as closely monitoring their reder, keeping their equipment software up to date and replacing equipment as necessary.²⁴⁵⁰ The *JaCIRT* chief also reportedly warned of the re-emergence of *botnets* in the country, a network of computers controlled by a single attacker, infected by software designed to break into, damage or gain unauthorized access to computer systems.²⁴⁵¹

²⁴⁴³ IACHR, Report No. 400/20. Case 13.637. Merits (Publication), [Gareth Henry and Simone Carline Edwards. Jamaica](#), December 31, 2020.

²⁴⁴⁴ Caribbean Loop News, [African royals to visit the Caribbean to discuss impacts of slavery](#), February 28, 2023; The Jamaica Observer, [African leaders upbeat about conference in Jamaica](#), March 1, 2023; CVM Television, [A delegation of African Kings and Queens are visiting Jamaica](#), March 2, 2023.

²⁴⁴⁵ Sky News, [Jamaica: King's coronation accelerates plans for Jamaican republic - with referendum 'as early as 2024'](#), 4 May 2023; The St. Kitts & Nevis Observer, [Jamaica Referendum Vote On Becoming Republic Will Be Held Separately From General Election Says Minister](#), 29 July 2023.

²⁴⁴⁶ Jamaica Government Information Service, [PM Reiterates Government's Commitment to Republic Status for Jamaica](#), March 23, 2023.

²⁴⁴⁷ Jamaica Government Information Service, [PM Reiterates Government's Commitment to Republic Status for Jamaica](#), March 23, 2023.

²⁴⁴⁸ Jamaica Government Information Service, [Broadcasting Commission Taking Steps to Increase Digital Literacy](#), February 6, 2023.

²⁴⁴⁹ Get Safe Online, [Jamaica](#), undated; Caribbean Loop News, [Get Safe Online launches new 'Check a Website' service in Jamaica](#), September 14, 2023.

²⁴⁵⁰ Caribbean Loop News, [Overseas ransomware gangs continue to prey on Jamaican entities](#), Oct. 12, 2023; Caribbean National Weekly, [Jamaican entities face continuous attacks from overseas ransomware gangs](#), Oct. 12, 2023.

²⁴⁵¹ Jamaica Government Information Service, [Jamaicans Urged to Protect Themselves Against Botnet Attacks](#), October 8, 2023.

Victims of *ransomware*, both natural and legal persons, could report these attacks to the *JaCIRT*, the *Major Organised Crime and Anti-Corruption Agency (MOCA)* or the Jamaica Constabulary Force.²⁴⁵² Since January 2023 and up to the closing date of this annual report, more than 40,000 cyber-attacks have been filed against Jamaicans and nearly a quarter of them have come from abroad.²⁴⁵³

1074. Among the public institutions affected by cyber attacks are reportedly the Office of the Prime Minister, which has not shared details with the public about the scope of the attack²⁴⁵⁴ and the *Financial Services Commission (FSC)*, whose stolen information has been published on the Internet.²⁴⁵⁵ In addition, according to a study by *Digicel Business* and *Symptai Consulting*, a Jamaican cybersecurity consulting firm, 42 percent of companies in the Caribbean are exposed to cyber-attacks due to inadequate management of their devices and misconfigured systems.²⁴⁵⁶

1075. Following the increase in illegal cyber activities, this Office was informed of the Jamaican government's intention to establish a National Cybersecurity Authority within two to four years with resources from international cooperation.²⁴⁵⁷ According to public information available to date, the entity would develop national cybersecurity policies, monitor cyber threats, provide digital skills training and develop human capital.²⁴⁵⁸

1076. This Office recalls that the authorities must report and be accountable for the measures taken in the area of cybersecurity, both those directly implemented and those implemented by private intermediaries contracted by the State.²⁴⁵⁹ In addition, the Office reiterates that official programs and public policies on cybersecurity must have oversight and control mechanisms whose highest instance is a judge.²⁴⁶⁰ In general, the response of States in the area of security in cyberspace should be limited and proportionate, and should seek to comply with precise legal purposes that do not compromise the democratic virtues that characterize the network. In this sense, governments should refrain from favoring the concentrated and centralized use of criminal law as the fundamental instrument for dealing with all possible threats to online security.²⁴⁶¹

1077. On the other hand, the Special Rapporteurship has been monitoring the *Data Protection Act (DPA)* since its approval in parliament in 2020, which would establish guidelines on how personal data should be handled in physical and electronic form.²⁴⁶² Three years after its approval, the Rapporteurship was informed that the government and the institutions that would be affected by the law were still finalizing details for its implementation as of December 2023.²⁴⁶³ According to the authorities, the Information Commissioner's Office would be intensifying a pedagogical campaign to ensure the adequacy and compliance of the law with respect to the parties involved and affected.²⁴⁶⁴

²⁴⁵² Caribbean Loop News, [Overseas ransomware gangs continue to prey on Jamaican entities](#), Oct. 12, 2023; Caribbean National Weekly, [Jamaican entities face continuous attacks from overseas ransomware gangs](#), Oct. 12, 2023.

²⁴⁵³ Jamaica Government Information Service, [Jamaicans Urged to Protect Themselves Against Botnet Attacks](#), October 8, 2023.

²⁴⁵⁴ Caribbean National Weekly, [Office of the Prime Minister in Jamaica hit by cyberattack](#), February 16, 2023; The Jamaica Observer, [OPM hit by cyberattack](#), February 16, 2023.

²⁴⁵⁵ Caribbean Loop News, [Cyberattack reported at Financial Services Commission](#), September 6, 2023; The Jamaica Gleaner, ['Disaster' at FSC](#), September 11, 2023; Radio Jamaica News Online, [FSC Data Published Online Amid Cyberattack](#), September 15, 2023.

²⁴⁵⁶ Caribbean Loop News, [42% of C'bean companies exposed due to improper device management](#), October 6, 2023.

²⁴⁵⁷ The Jamaica Observer, [National Cybersecurity Authority to be established in two to four years](#), September 28, 2023; Caribbean Loop News, [Gov't to establish national cybersecurity authority in 2 to 4 years](#), September 30, 2023.

²⁴⁵⁸ The Jamaica Observer, [National Cybersecurity Authority to be established in two to four years](#), September 28, 2023; Caribbean Loop News, [Gov't to establish national cybersecurity authority in 2 to 4 years](#), September 30, 2023.

²⁴⁵⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 126.

²⁴⁶⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 128.

²⁴⁶¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 120.

²⁴⁶² Jamaica Government Information Service, [Data Protection Act Regulations to Be Tabled in Parliament Soon](#), October 5, 2023.

²⁴⁶³ Jamaica Government Information Service, [Data Protection Act Regulations to Be Tabled in Parliament Soon](#), October 5, 2023.

²⁴⁶⁴ Jamaica Government Information Service, [Data Protection Act Regulations to Be Tabled in Parliament Soon](#), October 5, 2023.

1078. This Office reiterates that States should adopt policies aimed at prohibiting the processing of data, including the storage, analysis, and disclosure of personal data except when they are legitimized to do so or when there is informed consent of the person concerned.²⁴⁶⁵

1079. In July 2023, RELE learned that the government of Jamaica has agreed to join the establishment of the Digital Alliance between the European Union and Latin America and the Caribbean.²⁴⁶⁶ According to a joint statement, the alliance would provide regular dialogue and cooperation on digital issues for the benefit of the citizens of the signatory countries.²⁴⁶⁷ The EU-LAC Digital Alliance would promote cooperation on digital policy dialogue, Internet governance, data governance, infrastructure, connectivity, cybersecurity and cybercrime, data protection, artificial intelligence and other emerging digital technologies, skills development, entrepreneurship and innovation, digital trade, and space-related activities such as Copernicus Earth observation data and Galileo/EGNOS satellite navigation applications and services.²⁴⁶⁸ In October, and in the framework of the seventh political dialogue between Jamaica and the EU, the Minister of Foreign Affairs reportedly highlighted the implementation of the Information and Communications Technology (ICT) Action Plan and the National Broadband Initiative, which would have resulted in several public schools, hospitals, courts, and other public entities receiving high-speed Internet access.²⁴⁶⁹

1080. Among the communities that would have benefited from Internet connectivity would be 1,500 residents of St. Andrew West Central, who would also have access to digital literacy courses,²⁴⁷⁰ as well as students and teachers in 690 schools by the end of fiscal year 2023/2024.²⁴⁷¹

1081. This Office recalls that universal access to the Internet requires States to guarantee the quality and integrity of Internet service by protecting it in all cases from blocking, interference or arbitrary slowdowns, and therefore temporary or partial blockages affect the exercise of human rights online, constituting restrictions to such rights.²⁴⁷² Likewise, the Office recalls that speed, stability, affordability, quality, integrity, multilingualism, inclusion of local content and accessibility for persons with disabilities are elements that make access possible.²⁴⁷³

²⁴⁶⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a Free, Open and Inclusive Internet, OEA/Ser.L/V/II. IACHR/RELE/INF.17/17, March 2017, para. 205.

²⁴⁶⁶ European Commission, [EU-Latin America and Caribbean: Joint Declaration on a Digital Alliance](#), July 17, 2023.

²⁴⁶⁷ European Commission, [EU-Latin America and Caribbean: Joint Declaration on a Digital Alliance](#), July 17, 2023.

²⁴⁶⁸ European Commission, [EU-Latin America and Caribbean: Joint Declaration on a Digital Alliance](#), July 17, 2023.

²⁴⁶⁹ Jamaica Government Information Service, [Gov't Investing in Digital Transformation](#), October 11, 2023.

²⁴⁷⁰ Jamaica Government Information Service, [1,500 Residents From St. Andrew West Central Get Improved Internet Access](#), May 12, 2023.

²⁴⁷¹ Jamaica Government Information Service, [690 Schools Projected to Have Internet Access By the End of 2023/24](#), May 25, 2023.

²⁴⁷² IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a Free, Open and Inclusive Internet, OEA/Ser.L/V/II. IACHR/RELE/INF.17/17, March 2017, para. 38.

²⁴⁷³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a Free, Open and Inclusive Internet, OEA/Ser.L/V/II. IACHR/RELE/INF.17/17, March 2017, para. 40.

MEXICO

1082. In 2023, the Office of the Special Rapporteur noted with concern the persistence of lethal violence against journalists and communicators in Mexico, which once again recorded one of the highest murder rates in the region and the world. In the course of this year, at least 7 journalists and communicators were murdered in Mexico for reasons that may be linked to their journalistic work. In addition, there have been reports of kidnappings, threats, physical and verbal attacks, acts of intimidation and judicial harassment, stigmatizing remarks against the press by the highest authorities, as well as attacks and smear campaigns against journalists and media outlets in the digital sphere. In the first semester of 2023, the organization Article 19 Mexico documented 272 aggressions, being intimidation and harassment the most common form of violence faced by journalists in Mexico²⁴⁷⁴. Likewise, in a public hearing held during the 186th Regular Session of the Inter-American Commission, Mexican civil society organizations denounced that State agents and members of organized crime are the main aggressors of the press²⁴⁷⁵. As this Office has pointed out in previous reports, this scenario of hostility, insecurity and discredit has led to a generalized fear of the press to report on issues such as drug trafficking, public safety, corruption or organized crime²⁴⁷⁶.

A. Journalism and democracy

1083. Mexico is one of the most dangerous and lethal countries for the press in the region and the world²⁴⁷⁷. According to the information documented by this Office, in 2023, at least 7 journalists were murdered for reasons that could be linked to the profession. For example, on February 13, 2023, journalist and environmental activist Abisaí Pérez Romero was found dead in the municipality of Tula, state of Hidalgo²⁴⁷⁸. According to the information received, his death was related to a "generalized subdural hematoma, secondary to facial trauma caused by a fall from his own height"²⁴⁷⁹. Pérez Romero was dedicated to disseminating the socio-environmental impacts of the Emissor Oriente Tunnel on his channel *El Perromero* and *Son Politikón_FM*.

1084. On February 21, 2023, photojournalist José Ramiro Araujo was the victim of an armed attack by two minors, identified as Daniel "N" and Gael "N", after covering the Ensenada Festival in Baja California. According to reports, the wounds to the abdomen and thorax were reported to have caused the death of the photojournalist²⁴⁸⁰. The State Attorney General's Office stated that the minors were charged for the alleged commission of the crimes of robbery with violence and homicide with advantage²⁴⁸¹. The head of the Baja California State Human Rights Commission stated that this "constitutes an attack on freedom of expression and the right of society to be informed"²⁴⁸².

1085. Likewise, on May 11, 2023, the Office of the Special Rapporteur learned of the murder of journalist Gerardo Torres Rentería in Acapulco, state of Guerrero²⁴⁸³. According to the information reported,

²⁴⁷⁴ Article 19, [Semiannual Report 2023: violence against the press between attacks, stigmatization and absence of the State](#), September 19, 2023.

²⁴⁷⁵ IACHR, 186th Regular Session, [Protection of Human Rights Defenders and Journalists](#), March 8, 2023.

²⁴⁷⁶ IACHR, Annual Report 2022, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 50 rev. 1, March 6, 2023, para. 914.

²⁴⁷⁷ UNESCO, [UNESCO: Journalist killings increased by 50% in 2022, half of them off-duty](#), January 16, 2023; Committee to Protect Journalists, [Latin America was the deadliest region for journalists in 2022](#), January 24, 2023.

²⁴⁷⁸ X account of the Autonomous University of Mexico City (@UACM), [February 16, 2023](#); Swissinfo, [Journalist and activist found dead in central Mexico, first in 2023](#), February 17, 2023; Infobae, [Journalist and activist Abisaí Pérez Romero was murdered in Tula, Hidalgo](#), February 17, 2023; X account of Article 19 MX-CA (@article19mex), [February 16, 2023](#).

²⁴⁷⁹ Animal Político, [Journalist and student Abisaí Pérez Romero is found dead in Hidalgo](#), February 16, 2023.

²⁴⁸⁰ El Heraldo de México, [Asesinan al fotoperiodista José Ramiro Araujo Ochoa en Ensenada](#), February 23, 2023; Infobae, [Asesinaron al fotoperiodista José Ramiro Araujo tras cubrir Festival de Ensenada](#), February 23, 2023.

²⁴⁸¹ Baja California State Attorney General's Office, United Mexican States, [Inicia FGE proceso penal contra presuntos responsables de crimen de un fotoperiodista en Ensenada](#), February 23, 2023; Animal Político, [Fiscalía de Baja California reporta dos días después el asesinato del fotoperiodista Ramiro Araujo: dice que fue asalto y hay dos detenidos](#), February 23, 2023.

²⁴⁸² El País, [Photojournalist José Ramiro Araujo murdered in Baja California](#), February 23, 2023.

²⁴⁸³ CNN, [Mexican journalist Gerardo Torres Rentería is murdered in Acapulco](#), May 12, 2023; Animal Político Twitter account (@Pajaropolitico), [May 11, 2023](#).

armed subjects entered his home in the Icacos neighborhood and opened fire directly at the journalist²⁴⁸⁴. So far, the authorities have not reported if there are any persons detained for the murder of the journalist. Torres Rentería worked as a cameraman and correspondent for *Televisa Acapulco*, *Tv Azteca*, *Reuters* and *Telemundo*²⁴⁸⁵.

1086. This Office also learned of the murder of journalist Marco Aurelio Ramírez Hernández on May 23, 2023, in Tehuacán, state of Puebla. According to available information, the journalist was driving a car when armed subjects intercepted him and attacked him with a firearm in the Agua Blanca subdivision²⁴⁸⁶. The journalist reportedly died after losing control of his vehicle²⁴⁸⁷. According to the Attorney General's Office of the State of Puebla on May 29, 2023, the alleged killers of Ramírez Hernández were prosecuted. The Prosecutor's Office also indicated that it will try to "ensure the secrecy of the investigation and that no culprit goes unpunished"²⁴⁸⁸. For its part, the National Human Rights Commission exercised its power of attraction and initiated ex officio the complaint file, in order to follow up on the investigation into the murder of the journalist²⁴⁸⁹. On May 23, 2023, the Special Rapporteur for Freedom of Expression, Pedro Vaca Villarreal, condemned this new murder and called on the Government to prevent, protect and punish violence against journalists and communicators²⁴⁹⁰.

1087. Similarly, on July 8, 2023, the body of correspondent Luis Martín Sánchez Íñiguez was found lifeless and with signs of violence in the municipality of Tepic, state of Nayarit, after having been kidnapped by unknown subjects and having been missing for three days²⁴⁹¹. According to public information, at the time of the kidnapping at his home, the perpetrators took some of the reporter's work tools, such as his computer, cell phone, hard drive, and credentials²⁴⁹². The State Attorney General's Office reported the activation of the search protocol for missing persons and the Mechanism for the Protection of Human Rights Defenders and Journalists²⁴⁹³. Likewise, the investigation file was handed over to the Special Prosecutor's Office for Attention to Crimes Committed against Freedom of Expression (FEADLE) on July 14, after the Attorney General's Office (FGR) exercised its power of attraction²⁴⁹⁴. The Rapporteurship condemned the persistence of lethal violence and called on the State to "adopt protection measures for journalists at risk, as well as to deploy its best efforts to improve policies for the protection of journalists"²⁴⁹⁵.

1088. Also, on July 15, 2023, journalist Nelson Matus Peña was murdered in the city of Acapulco, state of Guerrero²⁴⁹⁶. According to available information, the reporter was attacked with gunshots inside a parking lot²⁴⁹⁷. Journalist Nelson Matus was director of the local media *Lo Real de Guerrero*, where he covered issues of violence and citizen insecurity. The State Attorney General's Office reported the initiation of an investigation for the alleged crime of homicide with a firearm, and reiterated its commitment to exhaust the

²⁴⁸⁴ El Sol de México, [Asesinan al reportero Gerardo Torres Rentería en Acapulco](#), May 11, 2023; Aristegui Noticias, [Asesinan en Acapulco a excorresponsal de Telemundo](#), May 11, 2023; Infobae, [Asesinaron a Gerardo Torres, exreportero de Telemundo, en Acapulco](#), May 12, 2023.

²⁴⁸⁵ El Sol de México, [Asesinan al reportero Gerardo Torres Rentería en Acapulco](#), May 11, 2023; Proceso, [Asesinan a Gerardo Torres Rentería, exreportero de Telemundo en Acapulco](#), May 11, 2023.

²⁴⁸⁶ La Lista, [Journalist Marco Aurelio Ramirez is murdered in Tehuacan, Puebla](#), May 23, 2023.

²⁴⁸⁷ Sin Embargo, [Journalist Marco Aurelio Ramirez Hernandez is shot to death in Puebla](#), May 23, 2023.

²⁴⁸⁸ Aristegui Noticias, [Ubica FGE Puebla a presuntos asesinos del periodista Marco Aurelio Ramírez](#), May 29, 2023.

²⁴⁸⁹ CNDH, [La CNDH atrae investigación del homicidio del periodista Marco Aurelio Ramírez Hernández](#), Comunicado DGDDH/133/2023, May 26, 2023.

²⁴⁹⁰ Pedro Vaca's X account (@PVacaV), [May 23, 2023](#).

²⁴⁹¹ Deutsche Welle (DW), [Asesinan a periodista del diario La Jornada en México](#), 9 July 2023; OHCHR, [La ONU-DH condena la desaparición y asesinato del periodista Luis Martín Sánchez en Nayarit y los delitos en contra de otros dos colaboradores de medios de comunicación](#), 9 July 2023.

²⁴⁹² Univision, [Body of La Jornada correspondent found in Nayarit, two other journalists from the state were also kidnapped](#), July 9, 2023.

²⁴⁹³ X account of the Attorney General's Office of the State of Nayarit (@NayaritFiscalia), [July 8, 2023](#).

²⁴⁹⁴ Milenio, [Atrae FGR investigación into the murder of journalist Luis Martin Sanchez in Nayarit](#), July 17, 2023.

²⁴⁹⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Mexico: RELE condemns attacks against the life and integrity of journalists in Nayarit and Guerrero, and calls on authorities to investigate the facts promptly](#), Press Release R159/23, July 20, 2023; Pedro Vaca's X account (@PVacaV), [July 8, 2023](#).

²⁴⁹⁶ El País, [Asesinan al periodista Nelson Matus en Guerrero](#), July 15, 2023; Infobae, [Asesinaron al periodista Nelson Matus en el Puerto de Acapulco](#), July 15, 2023.

²⁴⁹⁷ El Sol de México, [Journalist Nelson Matus is murdered in Acapulco](#), July 15, 2023.

lines of investigation that arise²⁴⁹⁸. In this regard, the Office of the Special Rapporteur called on the Mexican authorities to conduct a thorough and prompt investigation, and to identify, prosecute and punish those responsible for this act²⁴⁹⁹.

1089. This Office was also informed of the death of journalist Jesús Gutiérrez Vergara, after he was shot by unknown individuals in a vehicle on September 25 near his home in the municipality of San Luis Río Colorado, in the state of Sonora²⁵⁰⁰. During the attack a police officer was also killed and three others were wounded. Journalist Jesús Gutiérrez Vergara ran the online news platform *Notiface*, where he covered police news in the San Luis Colorado area. The State Attorney General's Office (FGJE) reported the coordination of an operation to find the persons responsible for the attack²⁵⁰¹. Civil society organizations point out that there is no certainty as to whether the FGJE is investigating this event in accordance with the Homologated Protocol for Crimes against Freedom of Expression²⁵⁰².

1090. At the close of this report, RELE learned of the murder of journalist Ismael Villagómez on November 16, in Ciudad Juárez, Chihuahua. Villagómez was a photojournalist for *El Haroldo* de Juárez²⁵⁰³.

1091. On the other hand, the Special Rapporteurship took note of the advances in the investigations into the attacks and murders of journalists. For example, on March 30, 2023, the Attorney General's Office of the State of Veracruz reported that members of the ministerial police complied with the re-arrest warrant against Luigui Heriberto "N" as the alleged perpetrator of the crime of intentional homicide of journalist José Moisés Sánchez Cerezo, murdered in 2015²⁵⁰⁴. Likewise, on May 17, 2023, this Office learned of the sentence of 30 years in prison against Othoniel Hernández Cano, Alfredo Pérez Jiménez and Carlos Pérez Jiménez, who had been declared as material authors for the murder of journalist María Elena Ferral Hernández in March 2020 in the municipality of Papantla²⁵⁰⁵. Civil society organizations reported an alleged lack of judicial independence of the authorities of investigation and administration of justice in the present case²⁵⁰⁶.

1092. This Office also received reports of two convictions in the case of the murder of Javier Arturo Valdez, a journalist murdered in 2017. However, an alleged lack of speed in the processing of appeals was also reported²⁵⁰⁷. Likewise, the Special Rapporteurship learned of progress in the prosecution and punishment of those allegedly responsible for the murder of journalist Breach Valduca. According to the information

²⁴⁹⁸ Attorney General's Office of the State of Guerrero, United Mexican States, [Investiga FGE Homicidio Calificado en Acapulco de Juárez](#), July 15, 2023.

²⁴⁹⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Mexico: RELE condemns attacks against the life and integrity of journalists in Nayarit and Guerrero, and calls on the authorities to investigate the facts promptly](#), Press Release R159/23, July 20, 2023.

²⁵⁰⁰ Article 19, [FGJE Sonora must keep lines of investigation open for the murder of Jesús Gutiérrez Vergara, Sonora journalist](#), October 9, 2023; IFJ, [Mexico: Journalist Jesús Gutiérrez Vergara murdered in Sonora](#), 25 September 2023; Infobae, [Attack on police in San Luis Río Colorado leaves two dead, including journalist Jesús Gutiérrez Vergara](#), 25 September 2023; Aristegui Noticias, [Asesinan a periodista Jesús Gutiérrez Vergara en Sonora](#), 25 September.

²⁵⁰¹ Twitter account of the Attorney General's Office of the State of Sonora, United Mexican States (@fgjesonora), [September 25, 2023](#).

²⁵⁰² Article 19, [FGJE Sonora must keep lines of investigation open for the murder of Jesús Gutiérrez Vergara, Sonora journalist](#), October 9, 2023.

²⁵⁰³ El País, [Asesinado el fotoperiodista Ismael Villagómez en Ciudad Juárez](#), November 17, 2023; CNN en Español, [Asesinan al periodista Ismael Villagómez Tapia en Ciudad Juárez, México](#), November 16, 2023.

²⁵⁰⁴ Veracruz State Attorney General's Office, United Mexican States, [FGE complimenta orden de reaprehensión en contra de presunto responsable de homicidio doloso calificado en agravio del periodista José Moisés Sánchez Cerezo](#), March 30, 2023; El Sol de Cuautla, [Después de ocho años capturan al asesino de periodista en Veracruz](#), March 30, 2023; La Silla Rota Veracruz, [Cae expolicía por crimen de periodista de Veracruz, Moisés Sánchez](#), March 30, 2023; La Silla Rota Veracruz, [Cae expolicía por crimen de periodista de Veracruz, Moisés Sánchez](#), March 30, 2023.

²⁵⁰⁵ La Silla Rota Veracruz, [Dan 30 años de prisión a 3 por asesinato de María Elena Ferral, periodista veracruzana](#), May 17, 2023; Diario de Xalapa, [Dan 30 años de cárcel a Nicasio "N", implicado en muerte de María Elena Ferral](#), June 6, 2023.

²⁵⁰⁶ Information sent by the organization Propuesta Cívica, Comunicación sobre el estado actual de los procesos penales derivados del homicidio de la periodista María Elena Ferral Hernández, September 6, 2023. Archive of the Office of the Special Rapporteur.

²⁵⁰⁷ Information sent by the organization Propuesta Cívica, Comunicación sobre el estado actual de los procesos penales derivados del asesinato del periodista Javier Arturo Valdez Cárdenas, February 27, 2023; Information sent by the organization Propuesta Cívica, Comunicación sobre el estado actual de los procesos penales derivados del asesinato de la periodista Miroslava Breach Velducea, February 27, 2023. Archive of the Office of the Special Rapporteur.

received, the FEADLE has yet to execute the arrest warrants against Jaciel Vega Villa and José Crispín Salazar, for their probable participation in the homicide of the journalist²⁵⁰⁸.

1093. On the other hand, the Rapporteurship continues to record new cases of attacks and lethal attacks against members of the press in Mexico. For example, on January 26, 2023, reporter Rubén Darío Cruz Hernández was the victim of an armed attack in the city of Cancún, in the state of Quintana Roo, after a group of men in a car chased him as he left the offices of the newspaper *Por Esto*²⁵⁰⁹. According to the information available, bodyguards from the protection mechanism reportedly helped repel the attack. The journalist escaped unharmed after taking refuge near the Social Reinsertion Center (CERESO) in Cancún²⁵¹⁰. The State Attorney General's Office opened an investigation into the attack and reiterated its commitment to investigate the facts²⁵¹¹.

1094. Also, in the early morning hours of May 28, 2023, a group of armed men reportedly shot at the home of journalist Pedro Alonso Benítez, in the municipality of San Martín Texmelucan, state of Puebla²⁵¹². A similar incident occurred at the home of Jorge Ugalde Hernández, director of the news portal *Descontento Ciudadano Quintanarroense*²⁵¹³. Similarly, the Rapporteurship learned that the vehicle of Fernando Rodríguez, director of the portal *Noticias en la Web*, was sprayed with fuel and burned on April 3, 2023, in front of his home in Acuña, Coahuila²⁵¹⁴. The journalist reported the incident to the Protection Mechanism for Human Rights Defenders and Journalists and to the organization Article 19 Mexico²⁵¹⁵.

1095. Finally, regarding the armed attack suffered by journalist Ciro Gómez Leyva on December 15, 2022, Claudia Sheinbaum, head of the Mexico City Government, announced in March 2023 the arrest of Leslie "N", allegedly involved in the attack²⁵¹⁶. In addition, 12 other people have been arrested for their alleged participation²⁵¹⁷.

1096. On the other hand, in 2023, the Rapporteurship observed the persistence of other serious acts of intimidation against the press such as kidnappings, detentions and arbitrary deprivations of liberty. For example, this Office learned of the kidnapping of the son of journalist Froylán Méndez Ferrer at the end of December 2022. According to the information available, the journalist's son was tortured and suffered injuries to his eyes, after being "picked up in the vicinity of San Antonio de la Cal by subjects traveling on board three vehicles"²⁵¹⁸. According to the journalist, the kidnapping and torture of his son could be linked to his recent publications on matters of public interest related to drug trafficking, corruption and other illicit activities²⁵¹⁹.

²⁵⁰⁸ Information sent by the organization Propuesta Cívica, Comunicación sobre el estado actual de los procesos penales derivados del asesinato del periodista Javier Arturo Valdez Cárdenas, February 27, 2023; Information sent by the organization Propuesta Cívica, Comunicación sobre el estado actual de los procesos penales derivados del asesinato de la periodista Miroslava Breach Velducea, February 27, 2023. Archive of the Office of the Special Rapporteur.

²⁵⁰⁹ Infobae, [Journalist Rubén Darío Cruz suffered shooting attack in Cancún, Quintana Roo](#), January 27, 2023; Proceso, [Frustran ataque contra reportero en Cancún](#), February 4, 2023; Reporters Without Borders X account (@RSF_inter), [January 27, 2023](#).

²⁵¹⁰ Debate, [Journalist Rubén Darío Hides in Prison after Bullet Attack in Cancún](#), January 26, 2023.

²⁵¹¹ X account of the Attorney General's Office of the State of Quintana Roo (@FGEQuintanaRoo), [January 26, 2023](#).

²⁵¹² Milenio, [Disparan contra casa del periodista Pedro Alonso Benítez en Texmelucan, Puebla](#), May 28, 2023; El Sol de Puebla, [Disparan contra vivienda de periodista en Texmelucan](#), May 28, 2023.

²⁵¹³ Milenio, [Disparan contra vivienda de periodista en Cancún: no detenidos](#), July 31, 2023.

²⁵¹⁴ El Sol de México, [Incendian vehículo del periodista Fernando Rodríguez en Coahuila](#), April 4, 2023; Eje Central, [Periodista Fernando Rodríguez denuncia atentado en su contra](#), April 3, 2023; El Universal, [VIDEO Incendian auto del periodista Fernando Rodríguez afuera de su casa en Coahuila: pide protección](#), April 3, 2023.

²⁵¹⁵ Infobae, [Atentaron contra el periodista Fernando Rodríguez de Coahuila: "No me van a callar"](#), April 3, 2023.

²⁵¹⁶ X account of Claudia Sheinbaum (@Claudiashein), [March 16, 2023](#).

²⁵¹⁷ La Silla Rota, [Capturan a "Leslie", implicada en el ataque al periodista Ciro Gómez Leyva](#), March 16, 2023; El Financiero, [Caso Ciro Gómez Leyva: Detienen a mujer vinculada con el atentado al periodista](#), March 16, 2023.

²⁵¹⁸ El Universal Oaxaca, [La Segob incorpora Oaxacan journalist Froylán Méndez to the Protection Mechanism](#), January 18, 2023.

²⁵¹⁹ El Universal Oaxaca, [La Segob incorpora Oaxacan journalist Froylán Méndez to the Protection Mechanism](#), January 18, 2023.

1097. On March 18, 2023, this Office learned of the kidnapping of journalists Jimmy Palomo Canché and Soraida Aguilar Hernández in the municipality of Bacalar, state of Quintana Roo²⁵²⁰. The reporters were reportedly found alive, according to the State Public Security Secretariat (SSPQROO)²⁵²¹. Also, on April 3, 2023, the reporter of *Presente Veracruz*, Ricardo Villanueva Ake was reportedly kidnapped by a group of armed men inside a workshop located in Poza Rica, Veracruz²⁵²². The journalist was found alive on April 4, 2023²⁵²³. According to the State Commission for the Attention and Protection of Journalists (CEAPP) "during the operation arrests and seizures were made"²⁵²⁴. As far as this Office was able to learn, hours before his release, some videos of the journalist were circulated online, in which he reveals alleged links with organized crime²⁵²⁵. "When they had me in custody, they suddenly arrived and told me 'if you want to save your life, if you want, you will have to record this, otherwise you are a dead man', I agreed for my life", according to what the journalist publicly denounced after his release²⁵²⁶.

1098. Likewise, Juan Carlos Hinojosa, a photojournalist with the Social Communication Office of the Nanchital City Hall and editor of *La de 8 News*, was reported missing on July 6 in Factoría Nanchital, Veracruz²⁵²⁷. According to the information reported, the CEAPP of Veracruz would have managed joint search strategies with municipal authorities and the State Attorney General's Office²⁵²⁸. In this regard, the Association of Journalists of Coahuila de Zaragoza AC (AJCZ) reportedly stated that "the lack of clarity in the search strategy to locate the missing photojournalist generates a feeling of improvisation and anxiety (...) we observe the lack of effective and coordinated actions among the corresponding authorities and we demand the implementation of forceful search actions"²⁵²⁹. The organization Article 19 Mexico reportedly demanded that the authorities take into account journalistic activity, applying the Homologated Protocol for the Investigation of Crimes Committed against Freedom of Expression²⁵³⁰.

1099. The Special Rapporteurship also learned of the unlawful deprivation of liberty of journalists Jonathan Lora Ramírez and Osiris Maldonado De La Paz, on July 7 and 3, respectively, also in Tepic, Nayarit state. According to the information available, armed and hooded individuals allegedly forced open the access door and violently entered the home of Lora Ramírez, whom they took out by force on board a vehicle²⁵³¹. Lora Ramírez and Maldonado De la Paz were released on July 9²⁵³². As far as this Office was able to learn, the kidnapping was related to the murder of journalist Sánchez Íñiguez²⁵³³. According to initial investigations, it is known that the three reporters at some point collaborated in joint projects related to their occupation, as well

²⁵²⁰ Milenio, [Jimmy Palomo, reportero secuestrado por comando en Bacalar, es hallado con vida](#), March 19, 2023; Diario de Yucatán, [Así hallaron a Jimmy Palomo, periodista secuestrado en Quintana Roo](#), March 19, 2023.

²⁵²¹ X account of the Quintana Roo State Attorney General's Office (@FGEQuintanaRoo), [March 18, 2023](#); La Jornada, [Localizan con vida al periodista Jimmy Palomo en Bacalar](#), March 19, 2023; El Financiero, [Encuentran a Jimmy Palomo, periodista que fue secuestrado en Bacalar](#), March 19, 2023.

²⁵²² Proceso, [Denuncian secuestro del periodista Ricardo Villanueva en Veracruz](#), 3 April 2023; Deutsche Welle (DW), [México: secuestran al periodista Richard Villa en Veracruz](#), 4 April 2023; Animal Político, [Localizan con vida al periodista Ricardo Villanueva tras haber sido secuestrado en Poza Rica, Veracruz](#), 4 April 2023.

²⁵²³ X account of the State Commission for the Attention and Protection of Journalists (@CEAPP_V), [April 3, 2023](#); Infobae, [Journalist Ricardo Villanueva Ake was found alive in Veracruz](#), April 5, 2023.

²⁵²⁴ Twitter account of the State Commission for the Attention and Protection of Journalists (@CEAPP_V), [April 4, 2023](#); Deutsche Welle (DW), [Mexico's kidnapped journalist located alive](#), April 5, 2023.

²⁵²⁵ El Heraldo de Mexico, [Ricardo Villanueva, journalist who disappeared in Veracruz, found alive](#), April 5, 2023; Infobae, [Revelaron supuestas confesiones de Richard Villa, periodista que fue secuestrado en Veracruz](#), April 6, 2023.

²⁵²⁶ La Silla Rota Veracruz, [No sé si regrese a trabajar: periodista Richard Villa tras privación de la libertad](#), April 10, 2023.

²⁵²⁷ Animal Político, [Photojournalist Juan Carlos Hinojosa reported missing in Nanchital, Veracruz](#), July 9, 2023.

²⁵²⁸ La Silla Rota Veracruz, [Photographer from Nanchital is missing for 48 hours: search continues: CEAPP](#), July 8, 2023.

²⁵²⁹ El Financiero, [Photojournalist Juan Carlos Hinojosa disappears in Nanchital, Veracruz](#), July 7, 2023.

²⁵³⁰ X account of Article 19 MX-CA (@article19mex), [July 7, 2023](#); Vanguardia, [Desapareció el fotoperiodista Juan Carlos Hinojosa en Veracruz](#), July 9, 2023.

²⁵³¹ X account of the Attorney General's Office of the State of Nayarit (@NayaritFiscalia), [July 8, 2023](#).

²⁵³² El Financiero, [Hallan con vivo a comunicador desaparecido en Nayarit](#), July 11, 2023.

²⁵³³ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Mexico: RELE condemns attacks against the life and integrity of journalists in Nayarit and Guerrero, and calls on the authorities to investigate the facts promptly](#), Press Release R159/23, July 20, 2023.

as in personal matters²⁵³⁴ . For his part, the state Undersecretary of Human Rights reported that 6 other journalists have reported death threats in the state of Nayarit²⁵³⁵ .

1100. The Office of the Special Rapporteur continued to report attacks, aggressions and intimidation against journalists and their families by armed groups. For example, the organization Periodistas Desplazados de México reported threats and intimidation against journalist Jesús Medina, president of the organization, following his coverage of violent events in the community of Tetela del Volcán, Morelos state²⁵³⁶ . According to the information available, the journalist's cell phone signal was reportedly blocked, as well as the presence of "hawks" outside his home²⁵³⁷ .

1101. A similar incident occurred on July 5, 2023, against journalist Carlos Jiménez, who reportedly received death threats from members of an unidentified armed group²⁵³⁸ . According to the President of the Republic, the Protection Mechanism for Human Rights Defenders and Journalists had granted protection measures in favor of the journalist²⁵³⁹ . The organization Article 19 Mexico expressed its concern about this type of threats, since they are "linked to organized crime groups" and "growing year after year in the country, based on the registry"²⁵⁴⁰ .

1102. In addition, there are reports of aggressions, abuse of power and arbitrary and illegal detentions perpetrated by authorities and police officers. On January 24, 2023, Leslie Pérez, a photojournalist for *El Heraldo*, was reportedly detained while doing photographic work on Guadalupe Victoria Street, in the state of Mexico²⁵⁴¹ . According to the information reported, the police officers reportedly requested the photographic record and the surrender of the reporter's cell phone on the grounds that "in this area it is not allowed to take photographs"²⁵⁴² .

1103. Likewise, officers of the Public Security Secretariat (SSP) of Poza Rica reportedly detained Andrea Sambuccetti, a journalist from *Univision*, and her camera crew for an alleged traffic violation when they were on their way to document some cases of forced disappearance. According to reports, they were threatened with having to call immigration authorities, despite having the necessary permits to carry out their journalistic work in the territory²⁵⁴³ .

1104. Similarly, Gabriel Aguilar Ay, general director of *Esquema Cozumel*, and Silvia Peraza Azueta, director of *Código Rojo*, were reportedly detained by police officers on April 13 while covering a rollover in Cozumel, Quintana Roo state²⁵⁴⁴ . Despite following the indications for journalistic coverage, both journalists were reportedly detained and taken to the State Public Security Department in Cozumel for allegedly violating article 400 of the penal code, which regulates the concealment of objects of a crime. The journalists were detained for at least 5 hours and were later handed over to the Quintana Roo State Attorney General's Office.

²⁵³⁴ X account of the Attorney General's Office of the State of Nayarit (@NayaritFiscalia), [July 8, 2023](#).

²⁵³⁵ El Sol de Nayarit, [There are 6 journalists under death threat in Nayarit: Daniel Sepulveda](#), July 10, 2023.

²⁵³⁶ X account of Displaced Journalists Mexico (@PDesplazadosMX), [March 7, 2023](#).

²⁵³⁷ Eje Central, [Denuncian amenazas contra el periodista Jesús Medina en Morelos](#), March 7, 2023.

²⁵³⁸ X account of Carlos Jimenez (@c4jimenez), [July 5, 2023](#).

²⁵³⁹ CNN, [Journalist Carlos Jimenez. "C4", shows video of the death threat he received from an armed group in Mexico](#), July 6, 2023.

²⁵⁴⁰ CNN, [Journalist Carlos Jimenez. "C4", shows video of the death threat he received from an armed group in Mexico](#), July 6, 2023.

²⁵⁴¹ La Silla Rota, [Reportera de El Heraldo de México es intimidada con arma de fuego en Neza](#), January 24, 2023; Publimetro, [Reportera es intimidada con arma de fuego por uniformados en Neza](#), January 24, 2023.

²⁵⁴² El Heraldo de Mexico, [Policemen from Neza illegally detain a photographer from El Heraldo Media Group and one threatens her with his gun](#), January 24, 2023.

²⁵⁴³ Tik Tok account of Andrea Sambuccetti (andysambu), [May 12, 2023](#); El Universal, ["Hemos pasado momentos horribles": Periodista de Univision denuncia retención de policía en Veracruz](#), May 15, 2023; La Silla Rota Veracruz, [VIDEO: Tránsito detiene a periodistas de Univision en Poza Rica que reportaban fosas](#), May 15, 2023; El Sol de México, [Periodista de Univision denuncia que fue retenida por elementos de Tránsito de Veracruz](#), May 15, 2023.

²⁵⁴⁴ Article 19, [Cozumel municipal police arbitrarily detain journalists](#), April 15, 2023.

The journalist Silvia Peraza Azueta reportedly stated that police officers approached her during their coverage of the news to intimidate her and threaten her with future arrests²⁵⁴⁵.

1105. The Office of the Special Rapporteur also learned of the illegal detention, abuse of authority and disproportionate use of force to which Ángel Baltasar Galindo, a journalist with the newspaper *El Sol de Bajío*, was subjected by members of the Department of Citizen Security of the Municipality of Celaya, Guanajuato, on April 28. According to public information, after covering a police report, police officers allegedly approached the journalist's vehicle in order to beat him. According to the information reported, the officers physically assaulted the journalist for two hours and then in the parking lot of the north police station. According to the medical report, the journalist suffered a rib fracture and a second degree cervical sprain as a result of the blows²⁵⁴⁶. Baltazar Galindo states that, "he currently fears for his life since the police threatened to kill him if he said anything, and he also fears that they may try to plant 'something' in his backpack to try to frame him for some crime"²⁵⁴⁷. The authorities reported the opening of an investigation file in internal affairs of the Secretariat of Citizen Security²⁵⁴⁸.

1106. For its part, the Mexican State reported that it is currently working on the creation of a National System for the Prevention and Protection of Human Rights Defenders and Journalists. This National System would be based on a General Law for the Prevention and Protection of Human Rights Defenders and Journalists and would include the formulation of a National Prevention Model, the creation of a National Registry of Aggressions and a National Protection Protocol²⁵⁴⁹.

1107. The events described above are part of a context of growing stigmatization, disqualification and discrediting of the press by politicians and public officials at different levels of government²⁵⁵⁰. On January 2, 2023, Rubén Rocha Moya, governor of the State of Sinaloa, reportedly branded the press as "scavengers", stating that "they do not want his administration to do well" and "they do not want to be tempted by the government but by businessmen and conservatives". On January 21, Rocha Moya reportedly said "ask me about what I am going to do, they don't care about that, they care about selling (...) [n]othing else I would like to clarify and with this I end: the best buyer of the media is the Government. Thank you very much. The organizations Artículo 19 Mexico and Iniciativa Sinaloa condemned the statements and demanded that the governor refrain from issuing speeches that stigmatize or disqualify the work of the press²⁵⁵¹.

1108. Similar incidents were reported against MVS reporter Lety Villaseñor²⁵⁵²; *Código News* reporters Andrés Guardiola and Rosario Martínez de la Vega²⁵⁵³; journalists Teresa Montañó Delgado²⁵⁵⁴ and Carina García Sosa²⁵⁵⁵, as well as against the media in San Luis Potosí²⁵⁵⁶. Likewise, this Office became aware

²⁵⁴⁵ X account of CIMAC.org (@prensacimac), [April 28, 2023](#).

²⁵⁴⁶ Animal Político, [Guanajuato police detain and torture journalist Ángel Baltasar Galindo in Celaya](#), May 3, 2023.

²⁵⁴⁷ Article 19, [Policemen of Celaya torture journalist, six days after the Secretary of Citizen Security issued public apology for another abuse of authority](#), May 3, 2023.

²⁵⁴⁸ El Sol del Bajío, [Suspend police officers for abuse against reporter](#), May 3, 2023.

²⁵⁴⁹ Information sent by the State of Mexico in response to RELE's request for information in the framework of the preparation of the Annual Report, August 31, 2023.

²⁵⁵⁰ IACHR, Annual Report 2022, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 50 rev. 1, March 6, 2023, para. 913; IACHR, Annual Report 2021, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 64 rev. 1, March 26, 2022, para. 609.

²⁵⁵¹ Artículo 19, [Governor of the state of Sinaloa should refrain from stigmatizing the press](#), February 3, 2023; Noroeste, [Artículo 19 and Iniciativa Sinaloa piden a Rocha Moya dejar discursos que estigmatizar a la prensa](#), February 3, 2023.

²⁵⁵² El Universal, ["Cuando maten a un periodista quiero seguir escuchando a la que se está burlar": Legisladora de PT amenaza a reportera](#), May 12, 2023; El Universal, [Reporteros protestan en Congreso de Morelos](#), May 15, 2023; El Universal, [Reporteros protestan en Congreso de Morelos por señalamientos contra la prensa](#), May 15, 2023.

²⁵⁵³ Códigos, [Amenaza Bárbara Botello a reporteros por realizar investigación](#), May 11, 2023; La Silla Rota Guanajuato, [Periodista denuncia a Bárbara Botello por amenazas](#), July 17, 2023.

²⁵⁵⁴ CIMAC Networks X account (@RedesCimac), [January 5, 2023](#).

²⁵⁵⁵ X account of CIMAC.org (@prensacimac), [April 28, 2023](#).

²⁵⁵⁶ Infobae, [Governor of San Luis Potosí exploded against the press that criticizes his administration: "I like blood."](#), June 30, 2023; CPJ Americas X Account (@CPJAmericas), [June 30, 2023](#).

of the persecution and disqualification of members of the Mexican Association of Displaced and Attacked Journalists²⁵⁵⁷.

1109. In particular, the Office of the Special Rapporteur is concerned about the growing stigmatization of the press promoted by the Executive Branch through the daily section "Who's who in the lies of the week", implemented since June 2021 with the alleged purpose of "analyzing, verifying and clarifying inaccurate news of general interest to the population"²⁵⁵⁸. In this regard, the organization Artículo 19 Mexico documented a total of 65 direct aggressions against the press in the first semester of 2023, of which 42 came from the morning conferences "Who's Who in the Lies"²⁵⁵⁹. According to what was reported in its semi-annual report of 2023, in this segment the press was negatively qualified in at least 114 occasions, with expressions that label it as "conservative", "biased", "adversary", "sold out", "corrupt", among others²⁵⁶⁰. Civil society organizations have expressed their concern about the cascade effect of this type of statements and their potential to be replicated by actors at other levels of the State²⁵⁶¹.

1110. For example, during the morning conference on January 26, 2023, the president reportedly disqualified the demand for justice for the murder of journalists in Veracruz made by Jorge Sánchez, son of Moisés Sánchez, journalist murdered in 2015²⁵⁶². On March 10, 2023, in response to a request made by Nayeli Roldán, journalist of *Animal Político*, the president reportedly stated that, "you are not going to set the agenda (...) every day we are attacked, there is no objectivity, there is no professionalism, it is a biased, sold, rented press, at the service of the corrupt"²⁵⁶³. The president added that, "journalism serves the citizens when it is professional, objective, when it is close to the people and distant from power and your journalism is not close to the people, you are at the service of the oligarchy"²⁵⁶⁴. On July 19, 2023, the president reportedly warned about a "dirty war" of the media against his government²⁵⁶⁵. Likewise, on July 26, the President made explicit reference to opinion leaders and journalists such as Beatriz Pagés Rebollar, Joaquín López-Dóriga, Raymundo Riva Palacio, Ricardo Alemán, Paola Rojas, Martha Debayle, Roberto Rock, among others²⁵⁶⁶. During this conference, he pointed out that, "[b]ecause nothing comes out of it, they are desperate, and it is important to let it be known that they are capable of lying, slandering and creating rarefied environments"²⁵⁶⁷.

1111. In 2023, the Office of the Special Rapporteur also learned about the activation of judicial proceedings against journalists and communicators who report on matters of public interest. In March 2023, the Prosecutor's Office of Guanajuato and the Prosecutor's Office of Nuevo León reportedly processed a

²⁵⁵⁷ X Account of Displaced and Attacked Journalists A.C. (@AlertaAMPDA), [April 4, 2023](#).

²⁵⁵⁸ IACHR, Annual Report 2022, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 50 rev. 1, March 6, 2023, para. 913.

²⁵⁵⁹ Article 19, [Semiannual Report 2023: violence against the press between attacks, stigmatization and absence of the State](#), September 19, 2023.

²⁵⁶⁰ Article 19, [Semiannual Report 2023: violence against the press between attacks, stigmatization and absence of the State](#), September 19, 2023.

²⁵⁶¹ Information sent by Mexican civil society organizations through the IACHR Section for Follow-up on Recommendations and Impact, September 2023. IACHR Archive.

²⁵⁶² Infobae, [Article 19 condemned AMLO's stigmatization of journalist: "Distortion is not an answer to impunity"](#), January 26, 2023; Proceso, [Article 19 condemns AMLO's "stigmatization" against journalists](#), January 26, 2023; Animal Político, ["No somos importantes porque no somos la mamá del Chapo": hijo de periodista asesinado reclama a AMLO falta de atención](#), January 26, 2023; X account of Article 19 MX-CA (@article19mex), [January 26, 2023](#).

²⁵⁶³ NTN24, [AMLO lashed out at journalist in 'la mañanera': "ustedes no van a poner la agenda"](#), March 10, 2023; Infobae, [Los nuevos ataques de AMLO a la prensa mexicana que hace su trabajo: "están siempre en contra de nosotros"](#), March 11, 2023; El Universal, ["Ustedes no van a poner la agenda": Así contestó AMLO a reportera de Animal Político que lo cuestionó sobre espionaje de Sedena](#), March 10, 2023.

²⁵⁶⁴ NTN24, [AMLO lashed out at journalist in 'la mañanera': "ustedes no van a poner la agenda"](#), March 10, 2023; Infobae, [Los nuevos ataques de AMLO a la prensa mexicana que hace su trabajo: "están siempre en contra de nosotros"](#), March 11, 2023; El Universal, ["Ustedes no van a poner la agenda": Así contestó AMLO a reportera de Animal Político que lo cuestionó sobre espionaje de Sedena](#), March 10, 2023.

²⁵⁶⁵ El Chamuco, ["Medios de manipulación están abiertamente en contra de nosotros": AMLO](#), July 19, 2023; López-Dóriga Digital, [AMLO acusa "guerra mediática" contra su Gobierno](#), July 19, 2023.

²⁵⁶⁶ Infobae, [AMLO exhibits payments to journalists who accuse him of an "imaginary" attack against Xóchitl Gálvez: "They are capable of slandering"](#), July 26, 2023; Vanguardia, [Responsabiliza López-Dóriga a AMLO por "lo que le pueda suceder"](#), July 26, 2023.

²⁵⁶⁷ Infobae, [AMLO exhibits payments to journalists who accuse him of an "imaginary" attack against Xóchitl Gálvez: "They are capable of slandering"](#), July 26, 2023.

criminal complaint against journalist Arnaldo Cuéllar Ornelas, director of the Journalism and Public Opinion Laboratory (PopLab) for allegedly committing the crime of threats²⁵⁶⁸. According to the information available, the investigation is based on a complaint filed by the Director of Intelligence of the Nuevo Leon Prosecutor's Office, Paul Cortez Suarez.

1112. Likewise, Pío López Obrador, brother of the President of the Republic, reportedly sued *Latinus* media and journalist Carlos Loret de Mola for punitive and moral damages after the publication of some videos²⁵⁶⁹. According to reports, Pío López Obrador has demanded 400 million pesos as reparation for damages²⁵⁷⁰. For her part, the interim judge of Mexico City's Civil Court 62 reportedly ordered that "the information in the case be kept confidential and not be made public"²⁵⁷¹. Faced with this decision, Loret de Mola stated that, "[i]f I say anything about the trial, she can put me in jail for 36 hours"²⁵⁷².

1113. Likewise, Pedro Salmerón, director of the General Agrarian Archive, reportedly sued 29 individuals and companies for moral damages, after they disseminated and "gave voice and support" to those who denounced him for alleged sexual harassment, including *Reforma*, *El Universal*, *Aristegui Noticias*, analysts Carlos Bravo Regidor, Denise Dresser and Estefanía Veloz, and journalists Joaquín López Dóriga, Raymundo Riva Palacio, Sabina Berman and Salvador García Soto²⁵⁷³. In addition, the Rapporteurship also learned of possible lawsuits against the newspaper *Correo* by the University of Guanajuato²⁵⁷⁴, and against journalists Carlos Loret de Mola and Carmen Aristegui by Rodrigo Vallejo Mora, son of the former governor of Michoacán²⁵⁷⁵.

B. Freedom of expression, rule of law and democratic institutionalality

1114. In 2023, the Office of the Special Rapporteur registered new cases of espionage and surveillance against activists and human rights defenders, while at the same time it became aware of the findings of the investigations. For example, on March 7, 2023, the investigation "Ejército Espía" (Army Spy) exposed internal documents of the Secretary of National Defense (Sedena) that would demonstrate the use of a secret military intelligence structure by the Army to spy on the defender Raymundo Ramos, with the alleged purpose of intervening in the investigations of extrajudicial executions committed on July 3, 2020 in Laredo, Tamaulipas²⁵⁷⁶. The secret information card was allegedly leaked by the Guacamaya collective and shows private conversations between Ramos and journalists from *El Universal*, *Televisa* and *El País* between August

²⁵⁶⁸ Animal Político, [Fiscal de Guanajuato frena denuncias de periodistas, pero acelera investigación contra editor de PopLab](#), April 17, 2023; Poplab, [Zamarripa frena denuncias de periodistas, pero acelera investigación contra editor de PopLab](#), April 16, 2023; POPLabMx X account (@poplabmx), [April 16, 2023](#); Proceso, [Director of POPLab denounces judicial harassment by Guanajuato and Nuevo Leon prosecutors](#), April 16, 2023.

²⁵⁶⁹ Carlos Loret de Mola's X account (@CarlosLoret), [April 20, 2023](#); El Universal, [Pío López Obrador sues Loret de Mola and Latinus for 400 million pesos](#), April 20, 2023; Animal Político, [Pío López, AMLO's brother, sues Loret de Mola and Latinus for publication of videos where he receives money](#), April 20, 2023.

²⁵⁷⁰ Latinus, [Pío López Obrador sues Latinus and Carlos Loret for publishing videos where he receives money: demands 400 million pesos as reparation for damages](#), April 19, 2023.

²⁵⁷¹ Infobae, [Pío López Obrador sued Loret de Mola and Latinus for 400 million pesos for moral damages](#), April 20, 2023.

²⁵⁷² Debate, [Defamation? Pío López Obrador sues Loret de Mola and Latinus: demands 400 million pesos](#), April 20, 2023; El Universal, [Pío López Obrador sues Loret de Mola and Latinus for 400 million pesos](#), April 20, 2023.

²⁵⁷³ Animal Político, [Pedro Salmerón denounces 29 people for spreading allegations of sexual harassment against him: demands reparations of 12 million pesos](#), February 13, 2023; El Universal, [Pedro Salmerón files 29 lawsuits for moral damages after accusations of sexual harassment: asks for 12 million pesos](#), February 13, 2023; Pedro Salmerón Sanginés / Facebook, [February 13, 2023](#); El País, [Pedro Salmerón sues journalists, politicians and ITAM for moral damages after accusations of sexual harassment](#), February 14, 2023.

²⁵⁷⁴ AM, [Prepara UG demanda contra Periódico Correo](#), June 10, 2023; Cotidiano, [Tras allanar sus instalaciones, la UG demandará por daño moral a periódico](#), June 9, 2023; Periódico Correo, [Reprueban a rector de la Universidad de Guanajuato por allanamiento a Periódico Correo](#), June 9, 2023; La Jornada, [Niega rector de Universidad de Guanajuato irrupción al diario 'Correo'](#), June 10, 2023.

²⁵⁷⁵ El Sol de Zamora, ["Resucita" Rodrigo Vallejo y amenaza con demandas](#), May 10, 2023; Contramuro, [Rodrigo Vallejo prepara demanda contra Aristegui y Loret de Mola](#), May 9, 2023.

²⁵⁷⁶ Red en Defensa de los Derechos Digitales / Youtube, [March 7, 2023](#); El País, [El Ejército mexicano espía con Pegasus al activista Raymundo Ramos para interferir en una investigación sobre ejecuciones extrajudiciales](#), March 7, 2023; Animal Político, [El Ejército espía con Pegasus a defensor de DH: el secretario Sandoval lo avaló en este sexenio](#), August 7, 2023.

16 and 26, 2020, dates on which the defender was spied on with Pegasus, according to a recent report by Citizen Lab of the University of Toronto²⁵⁷⁷.

1115. According to the information available, the card would seek to link Ramos as an alleged member of the Northeast Cartel. It also seeks to advise the Secretary of National Defense, Luis Crescencio Sandoval, to "present the information to the Military Ministerial Police in a confidential manner for the investigation of the case, without adding it to the investigation file"²⁵⁷⁸. This card was allegedly prepared by the Military Intelligence Center (C.M.I.), whose function was to provide "intelligence products generated from the information obtained by closed means"²⁵⁷⁹. Likewise, through this card, the persons allegedly involved in spying on the defender were identified, among them, the then Chief of the National Defense General Staff, Homero Mendoza Ruiz; the then Deputy Chief of Intelligence of the National Defense General Staff (EMDN), Conrado Bruno Pérez Esparza; the Director of the C.M.I., the Deputy Director of Analysis, and the Chief of the Analysis Group of the Center²⁵⁸⁰.

1116. On the other hand, the Rapporteurship learned that through a report dated April 17, 2023, Citizen Lab confirmed that the mobile devices of Santiago Aguirre Espinosa, Director of Centro Prodh, and María Luisa Aguilar Rodríguez, coordinator of the International Area of Centro Prodh, had been infected with Pegasus software on at least five occasions during 2022²⁵⁸¹. According to the available information, the alleged espionage acts would have occurred on dates when Centro Prodh was preparing and carrying out activities related to the violation of human rights in cases such as Ayotzinapa, Tlatlaya, the Dirty War, the murder of Jesuit priests in Cerocahui, Chihuahua, among others²⁵⁸². The Director of Centro Prodh would have been previously targeted with Pegasus in 2016, as reported by this Office in its 2017 annual report²⁵⁸³.

1117. In May 2023, there was also an alleged case of espionage against Alejandro Encinas, Undersecretary of Human Rights of the Ministry of the Interior, and two other government officials²⁵⁸⁴. In the May 23 conference, the President of the Republic referred to the alleged acts of espionage against Encinas stating that, "[he] told me about it and I told him not to give it importance, because there was no intention of spying on anyone"²⁵⁸⁵.

1118. Subsequently, on June 3, 2023, an alleged case of espionage was reported, this time against Camilo Vicente Ovalle, member of the Commission for Access to the Truth, Historical Clarification and the Promotion of Justice for Serious Human Rights Violations Committed from 1965 to 1990²⁵⁸⁶. Ovalle reportedly received a message at the end of 2022, informing him that his cell phone had been the victim of "state-sponsored attackers"²⁵⁸⁷. Experts from the Historical Clarification Mechanism pointed out that, "[t]he espionage, in addition to being a violation of human rights, constitutes a serious aggravation for the collective

²⁵⁷⁷ Article 19, [Secret structure of the Army spied with Pegasus on Raymundo Ramos, with full knowledge of the Secretary of Defense](#), March 7, 2023; X account of Article 19 MX-CA (@article19mex), [March 7, 2023](#).

²⁵⁷⁸ Article 19, [Secret structure of the Army spied with Pegasus on Raymundo Ramos, with full knowledge of the Secretary of Defense](#), March 7, 2023; X account of Article 19 MX-CA (@article19mex), [March 7, 2023](#).

²⁵⁷⁹ Article 19, [Secret structure of the Army spied with Pegasus on Raymundo Ramos, with full knowledge of the Secretary of Defense](#), March 7, 2023; X account of Article 19 MX-CA (@article19mex), [March 7, 2023](#).

²⁵⁸⁰ Article 19, [Secret structure of the Army spied with Pegasus on Raymundo Ramos, with full knowledge of the Secretary of Defense](#), March 7, 2023; X account of Article 19 MX-CA (@article19mex), [March 7, 2023](#).

²⁵⁸¹ Centro Prodh, R3D, Social Tic, Artículo 19, [Ejército Espía. Centro Prodh again attacked with Pegasus: How impunity and militarization propitiated the repetition of espionage](#), April 2023.

²⁵⁸² R3D, [The Mexican Army spied with Pegasus on two human rights defenders from Centro Prodh](#), April 18, 2023.

²⁵⁸³ IACHR, Annual Report 2017, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II. Doc. 210/17, December 31, 2017, para. 904.

²⁵⁸⁴ The New York Times, [Una nueva víctima de Pegasus en México: un aliado del presidente](#), May 23, 2023; Animal Político, [Espían a Alejandro Encinas con Pegasus mientras investigaba abusos del Ejército: The New York Times](#), May 22, 2023; El País, [El Ejército espía con Pegasus a Alejandro Encinas, subsecretario de derechos humanos](#), May 22, 2023; Red en Defensa de los Derechos Digitales, [El subsecretario Alejandro Encinas fue espiado con Pegasus, revela NYT](#), May 23, 2023.

²⁵⁸⁵ Forbes, [AMLO confirma espionaje a Encinas, pero dice que el Ejército no fue ni utilizó Pegasus](#), 23 May 2023; El País, [López Obrador reconoce el espionaje a Alejandro Encinas, pero niega que la vigilancia sea del Ejército](#), 23 May 2023.

²⁵⁸⁶ Washington Post, [He's leading Mexico's probe of the Dirty War. Who's spying on him?](#), June 3, 2023.

²⁵⁸⁷ Artículo 19, [Espionaje contra Camilo Vicente Ovalle expone sabotaje militar al esclarecimiento de abusos de la Guerra Sucia](#), June 5, 2023; Aristegui, [Espían con Pegasus a enlace de Comisión de la Verdad: WP](#), June 4, 2023.

efforts in terms of truth, memory, justice, search for disappeared persons, reparation and non-repetition"²⁵⁸⁸. Civil society organizations demanded an "independent, diligent and exhaustive investigation into the espionage cases perpetrated during the present and previous governments"²⁵⁸⁹.

1119. Likewise, as this Office was able to learn, on January 25, 2023, the National Institute of Transparency, Access to Information and Protection of Personal Data (INAI) ordered the Secretariat of National Defense (Sedena) to deliver the information of contracts DN-10 SAIT-1075/P/2019 and DN-10 SAIT-1038/P/2018 entered into with Comercializadora Antsua, exclusive supplier of the Pegasus *malware*²⁵⁹⁰. However, the Sedena would have classified these contracts for a term of 5 years. This information could be declassified "when the causes that gave rise to its reservation are extinguished or when the corresponding period has elapsed"²⁵⁹¹.

1120. In the same vein, the Attorney General's Office (FGR) announced on May 15 the opening of a new investigation into the hiring and acquisition of the Pegasus spying system in 2014 by the Attorney General's Office. Said investigation would be for the crimes of "embezzlement", "fraud", "improper use of powers and faculties" and "criminal association". The FGR specified that the investigation is independent of the facts prosecuted for various illegal interventions committed in the previous government²⁵⁹². For their part, the Inter-American Commission and the Office of the Special Rapporteur called on the State to "fully, exhaustively and impartially investigate the acquisition and use of Pegasus and punish those responsible"²⁵⁹³.

1121. On the other hand, the Rapporteurship learned about alleged affectations and regressions in the guarantee of the right of access to information, as well as alleged threats against the existence of autonomous bodies such as the National Institute of Transparency, Access to Information and Protection of Personal Data (INAI). According to the information reported, by August 2023, the INAI would have spent more than 90 days without being able to meet due to the lack of a full quorum and alleged unjustified delays by the Senate in the appointment of commissioners²⁵⁹⁴. Due to this, about 8,046 means of challenge have been accumulated, of which 6,280 correspond to appeals for review in matters of access to information, 1,353 to appeals for review in matters of personal data, 379 to appeals of non-conformity in matters of access to information and 8 to appeals for review in matters of personal data²⁵⁹⁵.

1122. Likewise, this Office took cognizance of the constitutional controversy (280/2023) filed by the Plenary of INAI before the Supreme Court of Justice of the Nation (SCJN) on March 27, 2023²⁵⁹⁶. In said controversy, the SCJN was requested to instruct the Upper House to appoint the missing commissioners and to temporarily suspend Article 33 of the Federal Law on Transparency and Access to Public Information (LFTAIP), so that the Plenary of INAI would meet with the four Commissioners that were part of the Institute. On April 24, 2023, the Minister hearing the case decided to deny the suspension. In view of this denial, INAI filed an

²⁵⁸⁸ La Jornada, [Exigen investigación sobre espionaje con Pegasus a Camilo Vicente Ovalle](#), June 8, 2023; Red en Defensa de los Derechos Digitales, [Mecanismo para la verdad y el esclarecimiento histórico condena espionaje con pegasus contra Camilo Vicente Ovalle](#), June 7, 2023.

²⁵⁸⁹ Article 19, [Espionaje contra Camilo Vicente Ovalle expone sabotaje militar al esclarecimiento de abusos de la Guerra Sucia](#), June 5, 2023.

²⁵⁹⁰ INAI X account (@INAIMexico), [January 25, 2023](#); Artículo 19, [SEDENA must hand over all information on contracts with Pegasus provider](#), January 26, 2023; Infobae, [INAI ordered Sedena to disclose contracts with provider for "information monitoring."](#), January 31, 2023.

²⁵⁹¹ Aristegui, [Sedena 'se niega a entregar información' sobre Pegasus: comisionada INAI | Entérate](#), April 19, 2023; El Universal, [Sedena congela por 5 años la información de Pegasus](#), April 18, 2023.

²⁵⁹² Attorney General's Office, [Press Release FGR 246/23](#), May 15, 2023.

²⁵⁹³ IACHR, [IACHR expresses its concern over the increase in cases of the use of Pegasus in Mexico](#), Press Release No. 109/23, June 2, 2023.

²⁵⁹⁴ Request for information IACHR/RELE/Art.41/04-2023/396. File of the Office of the Special Rapporteur.

²⁵⁹⁵ Information sent by the State of Mexico in response to RELE's request for information on alleged violations of the right of access to public information, September 11, 2023. Archive of the Office of the Special Rapporteur.

²⁵⁹⁶ Information sent by the State of Mexico in response to RELE's request for information on alleged violations of the right of access to public information, September 11, 2023. Archive of the Office of the Special Rapporteur.

appeal on May 2, requesting that the agreement denying the suspension and the non-application of Article 33 of the LFTAIP²⁵⁹⁷ be declared null and void.

1123. Finally, on October 2, the SCJN declared the unconstitutionality of the omission of the Senate of the Republic consisting in not appointing and not concluding the appointment process, in terms of the provisions of Article 6 of the Constitution, of persons as Commissioners of INAI²⁵⁹⁸. The decision orders the Senate of the Republic to appoint, within the current ordinary period of sessions of the Congress of the Union, the commissioners to fill the vacancies resulting from the conclusion of the term of office of Commissioners Monterrey Chepov and Acuña Llamas²⁵⁹⁹. Likewise, it authorizes the Plenary of INAI to meet with less than five commissioners present, provided that it does so with all of its appointed commissioners and in a collegiate manner²⁶⁰⁰. During a hearing held during the 188th Regular Session of the Commission, the State reaffirmed its commitment to the principle of transparency and the right of access to public information, and indicated that it has a solid regulatory structure to guarantee these fundamental rights, with autonomous institutions at the federal and local levels²⁶⁰¹. Likewise, it again specified that the Supreme Court has already authorized INAI to operate with its incomplete quorum; and that the composition of the institute will soon be regularized, while the Senate must make the missing appointments before December 15, 2023²⁶⁰².

1124. On the other hand, this Office learned of the decision of the Supreme Court of Justice of the Nation (SCJN) on May 18, 2023, which declared unconstitutional the agreement of the Executive Branch, which declared works and projects as of public interest and national security²⁶⁰³. According to the SCJN, the first article of the Agreement "allowed, due to its broadness and ambiguity, that all the related information could be considered as reserved, which implied extending by means of an administrative act the assumption of reserve provided in the General Law of Transparency and Access to Public Information"²⁶⁰⁴. The Court ruled that the right of access to information is "governed by the principle of maximum publicity and legal reserve for the establishment of its restrictions, so that the Agreement contravened the power of INAI to delimit the scope of national security and public interest, for transparency purposes"²⁶⁰⁵.

1125. The Rapporteurship also documented legislative initiatives that could have an impact on the exercise of the right to freedom of expression. In February 2023, the Morena deputy, Bennelly Jocabeth Hernández, reportedly presented a draft decree proposing to reform several provisions of the Law on Printing Offenses, including fines for insulting the president of the Republic and other public officials. The fines for those who offend the president would range from 518.7 to 4,149.6 pesos²⁶⁰⁶. Likewise, on March 15, 2023, the Senate of the Republic announced the approval of a bill to repeal the 1917 Law on Printing Offenses²⁶⁰⁷. According to

²⁵⁹⁷ Information sent by the State of Mexico in response to RELE's request for information on alleged violations of the right of access to public information, September 11, 2023. Archive of the Office of the Special Rapporteur.

²⁵⁹⁸ Suprema Corte de Justicia de la Nación, [La Corte autoriza al pleno del INAI para que provisionalmente pueda sesionar con menos de cinco personas comisionadas](#), Press Release No. 341/2023, October 2, 2023.

²⁵⁹⁹ Suprema Corte de Justicia de la Nación, [La Corte autoriza al pleno del INAI para que provisionalmente pueda sesionar con menos de cinco personas comisionadas](#), Press Release No. 341/2023, October 2, 2023.

²⁶⁰⁰ Suprema Corte de Justicia de la Nación, [La Corte autoriza al pleno del INAI para que provisionalmente pueda sesionar con menos de cinco personas comisionadas](#), Press Release No. 341/2023, October 2, 2023.

²⁶⁰¹ IACHR, 188th Period of Sessions, [Mexico: Constitutional Guarantor Body on Access to Information and Protection of Personal Data](#), November 9, 2023.

²⁶⁰² IACHR, 188th Period of Sessions, [Mexico: Constitutional Guarantor Body on Access to Information and Protection of Personal Data](#), November 9, 2023.

²⁶⁰³ X account of the Supreme Court (@SCJN), [May 18, 2023](#); El Economista, [SCJN invalida decreto de AMLO que blinda proyectos prioritarios como de seguridad nacional](#), May 18, 2023; El País, [La Suprema Corte invalida el acuerdo que declara las obras del Gobierno de López Obrador como seguridad nacional](#), May 18, 2023.

²⁶⁰⁴ Suprema Corte de Justicia de la Nación, [SCJN invalidates the agreement by which the federal executive issued a declaration of public interest and national security with respect to several projects and works](#), May 18, 2023.

²⁶⁰⁵ Suprema Corte de Justicia de la Nación, [SCJN invalidates the agreement by which the federal executive issued a declaration of public interest and national security with respect to several projects and works](#), May 18, 2023.

²⁶⁰⁶ Aristegui, [Aumento a multas por 'injurias' al presidente restringe libertad de expresión](#), February 15, 2023; Animal Político, [AMLO anuncia veto a ley de Morena para aumentar multas por injurias al presidente](#), February 14, 2023; Forbes, [AMLO vetoará ley que propone cuadruplicar multas por injuriar al presidente](#), February 15, 2023.

²⁶⁰⁷ Senate of the Republic - Coordination of Social Communication, [The Senate unanimously approves the bill that repeals the Law on Printing Offenses](#), March 15, 2023.

the opinion, said legislation contains obsolete, absurd and contrary to the principle of progressiveness provisions, in addition to evidently and severely limiting the rights to freedom of expression and printing²⁶⁰⁸.

1126. The Rapporteurship also heard the challenge before the SCJN by the National Electoral Institute (INE) against the first part of the "Plan B" of the electoral reform, which included amendments to the General Law of Social Communication and the General Law of Administrative Responsibilities. In particular, INE expressed its concern regarding the provision stating that "the 'manifestations' of officials 'in use of their freedom of expression and in the exercise of their public functions' shall not be considered governmental propaganda"²⁶⁰⁹. According to INE, "[t]he norms regarding the use of public resources and electoral propaganda (...) establish restrictions to the activity of public servants to prevent that, from the State, with its resources, which are public, undue benefits or damages are caused to any party or candidate to influence the contest, generating inequity"²⁶¹⁰. In addition, INE argued that "Plan B" reduced the powers to sanction officials who make illegal propaganda, based on the freedom of expression of the representatives of the State. On May 8, 2023, the SCJN declared invalid the reforms to the General Law of Social Communication and the General Law of Administrative Responsibilities due to serious violations to the due legislative process²⁶¹¹.

1127. Finally, the Complaints and Denunciations Commission of INE issued precautionary measures against the President, after he made statements about the presidential candidate of Va Por México and her apparent links with Carlos Salinas, Vicente Fox and Claudio X González²⁶¹². The INE would have ordered to withdraw the content or delete the references to electoral issues made during the daily conferences of July 3, 4, 5 and 7, 2023. Likewise, it would have ordered the president to refrain from making statements, comments, opinions or comments on electoral issues²⁶¹³.

C. Freedom of expression and the fight against discrimination and exclusion

1128. This Office received reports of setbacks in the promotion of community and indigenous radio broadcasting in Mexico. On July 5, the Electoral Tribunal of the Judiciary of the Federation (TEPJF) issued a ruling against the community radio station *Radio Tosepan Limakxtum*²⁶¹⁴, ordering the station to broadcast political party advertisements²⁶¹⁵. The radio station reportedly stated that, "the Masewal community does not identify with the party system 'because we have our own forms of governance, and the people we elect are elected by assembly, by customs and traditions'"²⁶¹⁶. They also indicated that the TEPJF ruling "puts at risk the credibility of the concession as a mechanism to guarantee the exercise of the right to communication of indigenous peoples and discourages many indigenous radio stations"²⁶¹⁷. On September 13, the TEPJF confirmed its decision. In this regard, the radio announced its intention to take the case to the Inter-American Court of Human Rights²⁶¹⁸.

²⁶⁰⁸ El Universal, [Senado abroga la Ley sobre Delitos de Imprenta: pasa al Ejecutivo](#), 15 March 2023; El Tiempo, [Por fomentar las amenazas desde el poder contra medios y periodistas. Senado abroga la Ley sobre Delitos de Imprenta](#), 15 March 2023; Zeta Tijuana, [Senado abroga Ley de 1917, revivida por Morena, que imponía multas por 'injurias' contra el presidente](#), 15 March 2023.

²⁶⁰⁹ El País, [El INE impugna ante la Suprema Corte el "plan B" de la reforma electoral de López Obrador](#), February 2, 2023.

²⁶¹⁰ El País, [El INE impugna ante la Suprema Corte el "plan B" de la reforma electoral de López Obrador](#), February 2, 2023; El País, [El ministro Alberto Pérez Dayán propone invalidar la primera parte del "plan B" electoral del Gobierno](#), May 2, 2023.

²⁶¹¹ SwissInfo, [Supreme Court invalidates first part of López Obrador's controversial electoral reform](#), May 8, 2023.

²⁶¹² Aristegui Noticias, [INE issues precautionary measures to AMLO for comments on Va por México](#), June 30, 2023.

²⁶¹³ Infobae, [INE notified AMLO online about measures not to talk about electoral issues](#), July 18, 2023.

²⁶¹⁴ La Jornada, [Radio indígena demanda al TEPJF eximir la de emitirla de spots de partidos](#), March 16, 2023.

²⁶¹⁵ Observacom, [Fallo del Tribunal Electoral de México obliga a radio indígena a emitir propaganda de partidos políticos](#), July 9, 2023; Red en Defensa de los Derechos Digitales, [Tribunal Electoral obliga a Radio Tosepan a emitir spots sobre partidos políticos](#), July 7, 2023.

²⁶¹⁶ Red en Defensa de los Derechos Digitales, [Tribunal Electoral obliga a Radio Tosepan a emitir a spots sobre partidos políticos](#), July 7, 2023.

²⁶¹⁷ X account of Redes por la Diversidad, Equidad y Sustentabilidad A.C. (@redesac_mx), [July 5, 2023](#).

²⁶¹⁸ Latinus, [Radio indígena apelará ante la Corte IDH la orden del Tribunal Electoral de transmitir spots políticos](#), July 6, 2023; La Jornada, [Radio Tosepan Limakxtum debe transmitir propaganda de partidos: TEPJF](#), July 5, 2023; Twitter account of Redes por la Diversidad, Equidad y Sustentabilidad A.C. (@redesac_mx), [September 14, 2023](#).

1129. On the other hand, the Rapporteurship is concerned about reports of aggressions, attacks, discrimination and violence against women journalists. On March 10, 2023, Natalie Hoyos López and Michelle Hoyos López, journalist and photojournalist respectively of *Enlace Noticias*, as well as three activists and a man, were allegedly victims of arbitrary detention and degrading, cruel and inhuman treatment by police officers from Izúcar de Matamoros, state of Puebla²⁶¹⁹. According to the information available, the journalists were covering activities of the feminist collective "Marea Púrpura" on the occasion of #8M. At the end, they were allegedly detained by municipal police officers and subsequently transferred to the Subcomandancia de Seguridad Sur, where they were isolated, humiliated, beaten, and forced to undress²⁶²⁰. The Secretary of Public Security of the State of Puebla, Daniel Iván Cruz Luna, reportedly indicated that acts such as this "should not be justified or tolerated (...) so the government is committed to provide training in human rights and try to eradicate and consider the termination of violence against women"²⁶²¹.

1130. This Office also recorded various online and offline campaigns to discredit, disqualify and intimidate women journalists. On March 8, during a demonstration, three banners were reportedly found with the photo of journalist Rosario Martínez, of the media outlet *Códigos Periodismo en Línea*. The photos allegedly accused her of extorting money from politicians, which would have unleashed several attacks against her through social networks²⁶²². Another similar incident was reported against Dianeth Pérez Arreola, director of the *Brújula News* portal, who reported online attacks through false profiles with the alleged purpose of discrediting her work and displaying family issues and other personal information²⁶²³.

1131. Likewise, on the commemoration of International Women's Day, journalist Chantal Flores denounced an alleged act of intimidation against her by agents of the Fuerza Civil while she was covering a march in downtown Monterrey. According to the public complaint, when she asked for information about the apparently irregular detention of a demonstrator, a policeman allegedly told her "[i]f you don't leave, you will get hurt (...) [and] I told her, leave or you will get hurt"²⁶²⁴. Due to the fear and lack of guarantees to carry out her work, the journalist reportedly decided to leave in order to protect her safety.

1132. On the other hand, this Office received information about a student protest against gender violence at the Universidad Autónoma Metropolitana (UAM) on March 10 in solidarity with a female student, allegedly sexually assaulted by her ex-partner in December 2022 at the Cuajimalpa campus. In this regard, on March 19, the UAM published a statement in which it rejects any form of gender violence and affirms that there will be no reprisals against students who participated in the protest. It also expressed "its commitment to develop a protocol to prevent, address and eradicate cases of gender violence" with the support of the Mexico City Attorney General's Office²⁶²⁵.

1133. Finally, this Office took note of the decision taken by the 51st Civil Court of Mexico City on March 13, which declared inadmissible the lawsuit for moral damages filed by Andrés Roemer, Mexican writer against journalist Montserrat Ortiz, after she denounced him and more than 60 other women in 2021 for an alleged case of sexual abuse²⁶²⁶. According to the court, Ortiz's statements were not made as a journalist but as a victim. According to the journalist's complaint, "[i]f I did not 'cooperate' he could also have me removed

²⁶¹⁹ Article 19, [ARTICLE 19 denounces attacks against women journalists in the framework of #8m](#), March 22, 2023.

²⁶²⁰ IFJ, [Mexico: two women journalists suffered harassment by police officers after being arbitrarily detained](#), March 28, 2023; Proceso, [Temo por mi vida y la de mi familia, advierte periodista agredida en Izúcar de Matamoros](#), March 27, 2023.

²⁶²¹ International Federation of Journalists, [Mexico: two women journalists were abused by police officers after being arbitrarily detained](#), March 28, 2023.

²⁶²² Article 19, [ARTICLE 19 denounces attacks against women journalists in the framework of #8m](#), March 22, 2023.

²⁶²³ Zeta Tijuana, [Denuncia periodista ataque a su vida personal por publicaciones sobre publicidad oficial](#), March 27, 2023.

²⁶²⁴ Article 19, [ARTICLE 19 denounces attacks against women journalists in the framework of #8m](#), March 22, 2023.

²⁶²⁵ Information submitted by the Coalition for Academic Freedom in the Americas, Report on Cases and Trends on Academic Freedom and University Autonomy in the Americas between November 1, 2022 - June 30, 2023, June 30, 2023. Archive of the Office of the Special Rapporteur.

²⁶²⁶ El Universal, [Andrés Roemer loses lawsuit for moral damages against journalist Montserrat Ortiz](#), March 13, 2023; El País, [Una jueza tumba la demanda civil que presentó Roemer contra una mujer que lo acusó de violación](#), March 13, 2023.

whenever he wanted" and that "[w]ith me you can grow a lot, but if I want you to, you will not grow at all and I will sink you"²⁶²⁷.

1134. For its part, the Mexican State reported that the National Institute for Women (INMUJERES) has made various efforts to make visible and recognize the work of women journalists. To that extent, in June 2023, a series of campaigns and awareness-raising activities were carried out aimed at the media in order to promote content free of gender stereotypes²⁶²⁸. In addition, as reported by the State, a seminar on communication and gender with the participation of women in the media and digital platforms would also be held between August and November 2023²⁶²⁹.

D. Freedom of expression and the Internet

1135. Within the framework of the Dialogue of the Americas on freedom of expression online, this Office received information on the implementation of a Digital Literacy Program in Mexico, which aims to provide users of telecommunications services with the necessary digital skills to enable them to become involved in the digital environment²⁶³⁰. Through this program, users have been trained and made aware of their rights, the benefits of using telecommunications and ICT services and equipment, as well as the work of the Institute and the digital tools developed in their favor.

1136. In January 2023, the "Report on Mobile Service Coverage in Mexico's Agricultural Zones" was published, which aims to identify the agricultural zones (protected and rainfed) that have access to mobile service coverage reported by concessionaires, in order to provide an input for the targeting of actions that enable development and innovation in this economic sector of Mexico²⁶³¹. The report highlights that the integration of ICTs, as well as the Internet, in the agricultural sector has demonstrated great opportunities for productivity growth in this industry, resulting in quality and cost benefits for producers and consumers, as well as generating growth alternatives for rural communities where technological tools are incorporated.

1137. Finally, the State reported that through the National Program for Equality between Men and Women (PROIGUALDAD 2020-2024) it seeks to favor social communication actions that promote political participation and the rights of women, girls and adolescents, including the use of new technologies²⁶³². In addition, as reported by the State, INMUJERES has conducted workshops on digital literacy, digital divide and internet access²⁶³³.

²⁶²⁷ Infobae, "["Te voy a hundir": creepy account by Monserrat Ortiz adds to accusations against Andrés Roemer for sexual abuse](#)", February 23, 2021.

²⁶²⁸ Information sent by the State of Mexico in response to RELE's request for information in the framework of the preparation of the Annual Report, August 31, 2023.

²⁶²⁹ Information sent by the State of Mexico in response to RELE's request for information in the framework of the preparation of the Annual Report, August 31, 2023.

²⁶³⁰ IFT, Digital Literacy Program 2022, available at: <https://www.ift.org.mx/sites/default/files/contenidogeneral/usuarios-y-audiencias/alfabetizaciondigital2022d.pdf>.

²⁶³¹ IFT, Reporte de Cobertura del Servicio Móvil en las Zonas Agrícolas de México, available at: <https://www.ift.org.mx/usuarios-y-audiencias/cobertura-del-servicio-movil-en-las-zonas-agricolas-de-mexico-2021>.

²⁶³² Information sent by the State of Mexico in response to RELE's request for information in the framework of the preparation of the Annual Report, August 31, 2023.

²⁶³³ Information sent by the State of Mexico in response to RELE's request for information in the framework of the preparation of the Annual Report, August 31, 2023.

NICARAGUA

1138. In 2023, censorship and repression reached alarming levels in Nicaragua. Today, journalists who attempt to report on matters of general interest face the imminent risk of arrest. Such is the case of journalist Victor Ticay, who was arrested and sentenced to eight years in prison for the crimes of conspiracy to undermine national integrity and spreading false news after covering a religious procession during Holy Week. Likewise, this year the persecution of activists, human rights defenders, journalists, artists, opponents and religious leaders for merely expressing their ideas and opinions continued, reflecting the intolerance of the authorities towards any discourse that questions or contradicts their narrative. The various mechanisms of control and censorship deployed by the government on the citizenry have contributed to the closure of civic and democratic space in Nicaragua, and have undermined the basic conditions for the exercise of freedom of expression. Censorship has deeply permeated society, and has caused citizens to avoid expressing themselves openly on issues related to the government.

A. Journalism and democracy

1139. Journalism is currently a high-risk profession in Nicaragua due to increased repression by the authorities against the independent press, particularly those who expose human rights violations and abuses of power committed by the authorities since the outbreak of the social and political crisis of April 2018²⁶³⁴.

1140. Repression against the independent press has continued to manifest itself through various practices, especially through the arbitrary and disproportionate application of criminal law²⁶³⁵. On June 9, 2023, journalist Victor Ticay was sentenced to eight years in prison for the crimes of conspiracy to commit undermining national integrity and propagation of false news²⁶³⁶. As of the closing date of this report, the journalist remains under arrest in the National Penitentiary System, known as La Modelo, a high security prison located on the outskirts of Managua²⁶³⁷.

1141. Ticay is a correspondent for *Canal 10*, a local television station, and runs the Facebook page "La Portada". The journalist was detained by police on April 6 after posting a video of an Easter celebration in the city of Nandaime on his Facebook page²⁶³⁸. The Nicaraguan government has banned religious processions on public roads²⁶³⁹. According to public information, for at least 40 days since his arrest, Ticay was held incommunicado and was not informed of the formal accusation²⁶⁴⁰. He was also reportedly denied the right to a private defense attorney, and instead was assigned an ex officio public defender²⁶⁴¹.

1142. The Special Rapporteurship also learned of the arrest of journalist Hazel Zamora, *Canal 10* correspondent in Bluefields, while she was traveling in a bus with her two children in Managua on May 5. Zamora was released hours later on condition that she appear in court to sign in daily and charged with the alleged crime of spreading false news. In addition to working as a correspondent for the aforementioned TV channel, she provides news coverage on her Facebook page "Doce Noticias" related to social and citizen security

²⁶³⁴ Confidencial, [Doing journalism "has become a high-risk profession" in Nicaragua](#), February 10, 2021; El País, ['Divergentes' o el reto de informar sobre Nicaragua desde el exilio](#), January 12, 2023.

²⁶³⁵ Infobae, [Persecution in Nicaragua: a journalist was declared "traitor to the homeland" for covering a Holy Week procession](#), June 10, 2023; Divergentes, [Día del periodista en Nicaragua, entre el destierro y la persecución](#), March 1, 2023.

²⁶³⁶ Confidencial, [Journalist Victor Ticay sentenced to 8 years in prison](#), August 17, 2023; France 24, [Nicaragua: journalist Victor Ticay sentenced to eight years in prison](#), August 18, 2023.

²⁶³⁷ France 24, [Nicaragua: journalist Victor Ticay sentenced to eight years in prison](#), August 18, 2023; CPJ, [CPI condemns 8-year sentence for Nicaraguan journalist Victor Ticay](#), August 17, 2023.

²⁶³⁸ CPJ, [Journalist Victor Ticay detained for covering Holy Week in Nicaragua](#), April 7, 2023; Despacho 505, [Denuncian detención del corresponsal de Canal 10 en Nandaime, Víctor Ticay](#), April 6, 2023; Deutsche Welle, [Denuncian captura de Víctor Ticay por filmar procesión](#), April 7, 2023.

²⁶³⁹ CPJ, [Journalist Victor Ticay detained for Holy Week coverage in Nicaragua](#), April 7, 2023; BBC News, ["Being Catholic in Nicaragua in this time of persecution is a risk": what Holy Week is like without processions in the streets because of the Ortega government's dispute with the Church](#), April 5, 2023.

²⁶⁴⁰ Despacho 505, [Juez orteguista declara culpable de "ciberdelitos" y "traición a la patria" al periodista Victor Ticay](#), 9 de junio de 2023.

²⁶⁴¹ CPJ, [Nicaraguan journalist Victor Ticay convicted on treason, false news charges](#), June 12, 2023.

issues. According to public information, on the same day of his arrest, the police searched Zamora's house and confiscated his computer²⁶⁴².

1143. That same week, on the night of May 3, journalists William Aragón, from the city of Somoto, and Oscar García Vallecillo, from Managua, were also arrested during a police raid. Aragón is a former correspondent of the newspaper *La Prensa* in the departments of Somoto and Estelí and García Vallecillo works for *Canal 10* in Managua. Both journalists were released hours after their arrest, on the condition that they appear in court to sign in, charged with the alleged crimes of undermining national integrity and propagation of false news²⁶⁴³.

1144. RELE has continued to monitor the situation of journalist Kalúa Salazar, press chief of *La Costeñísima*, who since 2020 has been constantly intimidated, threatened, harassed and watched because of her work as a journalist, as documented in previous IACHR reports²⁶⁴⁴. In the early morning of January 8, 2023, unknown individuals entered the journalist's home while she and her family were sleeping. The unknown individuals allegedly stole one of the security cameras and cut the cables of the others, seriously damaging the system²⁶⁴⁵. Kalúa Salazar considers that the incident was an attempt to intimidate her and that they are trying to make it clear to her that they can access her home whenever they wish²⁶⁴⁶. Also, on February 23, plainclothes police officers reportedly stayed for more than three hours at the corner of her house watching what her daughters were doing²⁶⁴⁷.

1145. Similar acts of intimidation have also been reported against journalist Yahaciela Barrera, a street reporter for *La Costeñísima*. In particular, RELE received information that, during the last year, Yahaciela Barrera has been subjected to continuous surveillance and has received threats from unknown persons and from a neighbor who identifies himself as a supporter of the current government²⁶⁴⁸. The content of the threats was highly charged with stereotypes linked to her sexual orientation²⁶⁴⁹. According to the information available, there was a daily police presence in the vicinity of her home, which the journalist reportedly considered very intimidating²⁶⁵⁰. She also reportedly received threatening calls from an unknown man and woman, generally on Sunday nights, asking if "she was the journalist from Radio la Costeñísima" and then hanging up²⁶⁵¹. Generally the numbers from which the calls are made to her are private, but on occasions she has received calls from unknown numbers that she has blocked for security reasons²⁶⁵².

²⁶⁴² CPJ, [Nicaraguan journalist Hazel Zamora arrested, charged with spreading false news](#), May 9, 2023; *La Prensa*, [Liberan a la periodista Hazel Zamora, pero tiene que presentarse a firmar diario](#), May 5, 2023; Confidencial, [Dictadura detiene y libera horas después a periodista de Canal 10 en Bluefields](#), May 5, 2023.

²⁶⁴³ Onda Local, [William Aragón con libertad condicionad](#), May 3, 2023; Nicaragua Investiga, [Dictadura se anota otra embestida: secuestra, acusa y pone al filo de la cárcel a periodistas](#), May 8, 2023; Deutsche Welle, [Arrestan en Nicaragua a otra periodista](#), May 6, 2023.

²⁶⁴⁴ IACHR, Annual Report 2020, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 28, 30 March 2021, paras. 1013, 1014, 1035; IACHR, Annual Report 2021, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 64 rev. 1, May 26, 2022, paras. 634, 341; IACHR, Annual Report 2023, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 50, March 6, 2023, para. 1033.

²⁶⁴⁵ I/A Court H.R., Resolution on Provisional Measures, Members of the Journalistic Team of Radio "La Costeñísima" regarding Nicaragua, March 22, 2023, para. 35.

²⁶⁴⁶ I/A Court H.R., Resolution on Provisional Measures, Members of the Journalistic Team of Radio "La Costeñísima" regarding Nicaragua, March 22, 2023, para. 35.

²⁶⁴⁷ I/A Court H.R., Resolution on Provisional Measures, Members of the Journalistic Team of Radio "La Costeñísima" regarding Nicaragua, March 22, 2023, para. 35.

²⁶⁴⁸ I/A Court H.R., Resolution on Provisional Measures, Members of the Journalistic Team of Radio "La Costeñísima" regarding Nicaragua, March 22, 2023, para. 40.

²⁶⁴⁹ I/A Court H.R., Resolution on Provisional Measures, Members of the Journalistic Team of Radio "La Costeñísima" regarding Nicaragua, March 22, 2023, para. 40.

²⁶⁵⁰ I/A Court H.R., Resolution on Provisional Measures, Members of the Journalistic Team of Radio "La Costeñísima" regarding Nicaragua, March 22, 2023, para. 42.

²⁶⁵¹ I/A Court H.R., Resolution on Provisional Measures, Members of the Journalistic Team of Radio "La Costeñísima" regarding Nicaragua, March 22, 2023, para. 42.

²⁶⁵² I/A Court H.R., Resolution on Provisional Measures, Members of the Journalistic Team of Radio "La Costeñísima" regarding Nicaragua, March 22, 2023, para. 42.

1146. In the context of the aforementioned events, the Inter-American Court granted provisional measures to the members of Radio *La Costeñísima* and their families in Nicaragua²⁶⁵³. The Court understood that there was a situation of extreme gravity and urgency, due to the imminent risk of irreparable damage to the rights to life and integrity, in relation to the right to freedom of expression, of the journalists Salazar and Barrera²⁶⁵⁴. In addition, the Court noted that there was "a well-founded fear that the activity of the members of La Costeñísima radio station would be criminalized, as has occurred in the cases of other journalists, which would have led radio workers to decide to resign or leave the country to ensure their safety"²⁶⁵⁵. The Court argued that, in the particular case of these journalists, the situation of risk in which they find themselves is increased because of their gender and sexual orientation²⁶⁵⁶.

1147. The Rapporteurship was also informed of restrictions on entry into the country imposed by the government against journalists. In July, Marcos Medina, director of the digital platform *Fuentes Confiables*, reported that the authorities had prevented him and his family from entering Nicaragua by means of an order from the Directorate of Migration and Alien Affairs. The notification of the prohibition was transmitted to him by the airline moments before boarding a flight to Managua²⁶⁵⁷.

1148. On September 10, a U.S. National Public Radio (NPR) podcast aired an episode on the censorship situation in Nicaragua, produced by Eyder Peralta, a Nicaraguan journalist and one of the only correspondents of an international media that has managed to enter the territory in more than a year²⁶⁵⁸. His narration tried to reflect what life is like from inside an "apparently normal" country, but which in reality "is closed and does not allow journalists" and in which fear is constantly present and "is felt at the surface"²⁶⁵⁹. Eyder entered and left the country with his Nicaraguan passport through a border post in the north of the country and, according to what he said, he kept a low profile during his stay for fear of being detained²⁶⁶⁰. Thus, for example, he could not conduct interviews in public places. In this regard, the journalist acknowledged that "in Nicaragua there is a repression that is not said publicly, but it is understood that if you make public reports, they will put you in jail"²⁶⁶¹.

1149. It is important to highlight that the authorities have not only persecuted and intimidated journalists and media outlets, but also the ecosystem that allows their economic sustainability and the viability of information. According to public reports, advertisers and sources receive threats if they advertise in media considered "enemies" of the Government due to their editorial line, or if they provide information critical of the administration²⁶⁶².

1150. This context of lack of guarantees for the practice of journalism has forced many reporters to abandon the profession, particularly those within Nicaragua. According to a report by the Movimiento Periodistas y Comunicadores Independientes de Nicaragua (PCIN), almost 40% of independent journalists in

²⁶⁵³ I/A Court H.R., Resolution on provisional measures, Members of the journalistic team of Radio "La Costeñísima" regarding Nicaragua, March 22, 2023.

²⁶⁵⁴ I/A Court H.R., Resolution on Provisional Measures, Members of the Journalistic Team of Radio "La Costeñísima" regarding Nicaragua, March 22, 2023, para. 43.

²⁶⁵⁵ I/A Court H.R., Resolution on Provisional Measures, Members of the Journalistic Team of Radio "La Costeñísima" regarding Nicaragua, March 22, 2023, para. 43.

²⁶⁵⁶ I/A Court H.R., Resolution on Provisional Measures, Members of the Journalistic Team of Radio "La Costeñísima" regarding Nicaragua, March 22, 2023, para. 46.

²⁶⁵⁷ Nicaragua Investiga, [Periodista Marcos Medina: Destierro "no es solo contra mi labor, sino contra mi familia"](#), 26 July 2023; La Prensa, 25 July 2023, [Dictadura destierra al periodista Marcos Medina](#); 100% Noticias, [Nicaragua impide ingreso al país a periodista Marcos Medina: "He he sido desterrado de mi patria"](#), 25 July 2023.

²⁶⁵⁸ Confidencial, ["En Nicaragua todo parece normal, pero se siente el miedo, no hallás a un opositor."](#) September 17, 2023; NPR, [I returned to Nicaragua, where I was born, and found a country steeped in fear](#), September 14, 2023.

²⁶⁵⁹ NPR, [A rare look into Nicaragua, a country that shuts itself off to journalists](#), September 10, 2023, Confidencial, ["En Nicaragua todo parece normal, pero se siente el miedo, no hallás a un opositor."](#), September 17, 2023.

²⁶⁶⁰ NPR, [I returned to Nicaragua, where I was born, and found a country steeped in fear](#), September 14, 2023; Confidencial, ["En Nicaragua todo parece normal, pero se siente el miedo, no hallás a un opositor."](#), September 17, 2023.

²⁶⁶¹ Confidencial, ["En Nicaragua todo parece normal, pero se siente el miedo, no hallás a un opositor."](#) September 17, 2023; NPR, [I returned to Nicaragua, where I was born, and found a country steeped in fear](#), September 14, 2023.

²⁶⁶² Ijnet, [Anonymous sources and journalism from exile: the censored Confidencial resists the regime in Nicaragua](#), June 27, 2022.

Nicaragua have decided to leave the profession²⁶⁶³. On the other hand, those who continue to report inside Nicaragua do so "clandestinely", in fear of being arrested at any moment, or in "low profile" media²⁶⁶⁴.

1151. Faced with this situation, the Rapporteurship views with concern the emergence of "zones of silence" in Nicaragua, where there is limited or no independent media coverage and sources of information²⁶⁶⁵. The expansion of these zones not only severely impacts the right of society to be informed about events of public interest, but also constitutes an obstacle to transparency, government accountability, and the control of corruption and abuses of power²⁶⁶⁶.

1152. On the other hand, according to data from the organization Voces del Sur and the Foundation for Freedom of Expression and Democracy (FLED), from 2018 to the first half of 2023 there are at least 208 Nicaraguan journalists in exile. Of that number, 23 would have left the country between April and June 2023²⁶⁶⁷.

1153. Communicators and media operating in exile also face significant challenges and obstacles in the exercise of their profession²⁶⁶⁸. Several exiled journalists have highlighted the difficulties of exercising their profession in conditions that are more onerous than those in their country of origin, and which impact the economic sustainability of the media. The cost of living and the lack of adequate sources of financing are some of the main challenges. In addition, they point out that accessing sources on the ground is increasingly complex, as most of them are under threat or afraid to speak out on certain issues. This, in turn, requires higher standards of verification and cross-checking of information from anonymous sources to maintain the integrity of the information. In addition, secure channels of communication are required to ensure the safety of information sources. On the other hand, exiled journalists are afraid to report, even from outside the country, because some of their relatives remain in Nicaragua and could be subject to reprisals²⁶⁶⁹.

1154. Based on the foregoing, the Rapporteurship recalls that, according to Principle No. 13 of the Declaration of Principles on Freedom of Expression of the IACHR, "[t]he use of State power (...) with the aim of pressuring and punishing or rewarding and privileging social communicators and the media according to their lines of information, violates freedom of expression and should be expressly prohibited by law. The media have the right to carry out their work independently. Direct or indirect pressures aimed at silencing the informative work of social communicators are incompatible with freedom of expression"²⁶⁷⁰.

1155. In addition, the IACHR has established in its Principle No. 5 that "[p]rior censorship, interference or direct or indirect pressure on any expression, opinion or information disseminated through any oral, written, artistic, visual or electronic means of communication must be prohibited by law. Restrictions on the free circulation of ideas and opinions, as well as the arbitrary imposition of information and the creation of obstacles to the free flow of information, violate the right to freedom of expression"²⁶⁷¹.

²⁶⁶³ Pen International, [Ojo en Nicaragua / Observatorio Internacional](#).

²⁶⁶⁴ Infobae, September 10, 2023, [More than 1,300 press freedom violations reported in Nicaragua in the last five years](#).

²⁶⁶⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, [En el día del periodista en Nicaragua, la Relatoría Especial envía un mensaje de solidaridad, respaldo y compromiso con la labor de la prensa nicaragüense](#), Comunicado de prensa R31/23, 1 de marzo de 2023; IACHR,

[IACHR and RELE: Nicaragua must cease repression against indigenous communities of the Caribbean Coast](#), Press Release No. 243/23, October 10, 2023.

²⁶⁶⁶ Confidencial, [30 facts that show how Ortega and Murillo impose censorship in Nicaragua](#), April 20, 2022.

²⁶⁶⁷ CNN en Español, [Al menos 23 periodistas salieron de Nicaragua de abril a junio por asedio del régimen de Daniel Ortega, según informe de dos ONG](#), 11 de julio de 2023; Infobae, [Nicaragua conmemoró el Día del Periodista con 200 comunicadores en el exilio y 23 declarados "traidores a la patria"](#), 2 de marzo de 2023.

²⁶⁶⁸ PR Noticias, [Nicaragua: journalism from exile](#), May 3, 2023; [Voz de América, "Political pressure" threatens to leave Nicaragua without journalists](#), March 1, 2023; La Prensa, [Journalism in exile and from Nicaragua, remain committed to objectivity](#), Sept. 12, 2023; [Voz de América, More than 200 Nicaraguan journalists live in exile](#), July 18, 2023; El País, [Incognito, persecuted or in exile: Journalists resist in Central America](#), May 17, 2023; Divergentes, [La Prensa continues to tell Nicaragua, from within and from exile](#), Sept. 8, 2022.

²⁶⁶⁹ Diálogo Político, [Nicaragua: What Journalism from Exile Looks Like](#), October 20, 2022

²⁶⁷⁰ IACHR, [Declaration of Principles on Freedom of Expression](#), 2000.

²⁶⁷¹ IACHR, [Declaration of Principles on Freedom of Expression](#), 2000.

1156. As previously stated, an independent and critical press is a fundamental element for the validity of the other freedoms that make up the democratic system and the rule of law²⁶⁷². Attacks, harassment, intimidation and judicial harassment against journalists are aimed at silencing them, and therefore, in addition to affecting the right to freedom of expression in its individual facet, they constitute violations of a society's right to free access to information²⁶⁷³.

1157. This Office reiterates that the State of Nicaragua has the obligation to respect and guarantee the full exercise of the right to freedom of expression in all its manifestations, including independent journalism. The duty to respect implies that the authorities refrain from unduly interfering with the right to freedom of expression, so that journalists and the media can fulfill their role and function as watchdogs in a democratic society. The duty to guarantee implies the positive obligation of the authorities to create an environment conducive to media freedom and to ensure that press professionals can exercise their work in a free and safe environment²⁶⁷⁴.

1158. Finally, regarding the situation of journalists in exile, the Rapporteurship highlights the urgent need for States and the international community to increase their financial and political support for civil society at risk. As noted in the Joint Statement of International Organizations on Protection and Support to Civil Society at Risk, this should include funding for rapid emergency assistance, safe havens in the host country, legal defense and long-term resilience support, taking into account the specific protection needs of women. These efforts should be accompanied by diplomatic measures to urge states to lift any restrictions that prevent civil society groups from accessing the financial and human resources needed to fully exercise their rights²⁶⁷⁵.

1159. In addition, States should develop or support, in collaboration with relevant civil society organizations and professionals, assistance and rehabilitation programs for civil society actors at risk who have been forced to move. These actors should also receive the necessary support to find long-term and durable solutions to the situations in which they find themselves due to their civil society work, including support to continue their activities if they so wish. It is essential that a safe environment and comprehensive support be provided to those who defend freedom of expression and human rights²⁶⁷⁶.

B. Freedom of expression, rule of law and democratic institutions

1160. Since the beginning of the human rights crisis in April 2018, the Commission and its Office of the Special Rapporteur have observed a gradual resurgence of governmental control and censorship strategies over all civil society actors. This has resulted in the closure of civic and democratic space in Nicaragua, which has undermined the essential conditions for the exercise of freedom of expression.

1161. The patterns of censorship identified by the Office of the Special Rapporteur, which affect both physical and digital environments, include: (i) the abusive use of punitive power against persons who express themselves on matters of public interest or carry out activities linked to the defense of human rights; (ii) arbitrary detentions; (iii) attempts to control and unduly interfere with the media, civil society organizations, academic institutions and the Catholic Church; v) the enactment of legislation restricting freedom of expression, which allows for the imprisonment of individuals for simply expressing dissent on issues of public interest; and vii) stigmatizing speeches by public authorities against civil society actors. As a result of these governmental measures, Nicaraguan citizens live under an atmosphere of fear and self-censorship, which restricts their right to express themselves freely²⁶⁷⁷.

²⁶⁷² IACHR, Report on the Situation of Human Rights in Mexico, OEA/Ser.L/V/II.100, Doc 7 rev.1, September 24, 1998, para. 649.

²⁶⁷³ IACHR, [Background and Interpretation of the Declaration of Principles on Freedom of Expression](#).

²⁶⁷⁴ UN, OSCE, OAS and ACHPR, [Joint Declaration on Freedom of the Media and Democracy](#), May 2, 2023.

²⁶⁷⁵ UN, OSCE, OAS, ACHPR, [Joint Declaration for the protection and support for civil society actors at risk](#), December 9, 2021.

²⁶⁷⁶ UN, OSCE, OAS, ACHPR, [Joint Declaration for the protection and support for civil society actors at risk](#), December 9, 2021.

²⁶⁷⁷ See Annual Reports of the Office of the Special Rapporteur for Freedom of Expression of the IACHR: [2018](#), [2019](#), [2020](#), [2021](#),

1162. In addition to the aforementioned patterns, in 2023, the Government resorted to a new practice of repression against dissident voices: the arbitrary deprivation of the nationality of people who play a relevant role in public life, such as human rights defenders, journalists, artists, academics and opponents²⁶⁷⁸.

1163. On February 9, the release from prison of 222 persons deprived of their liberty for political reasons in Nicaragua, who were deported to the United States of America and deprived of their nationality on the same day, was announced, in compliance with a ruling by Criminal Chamber One of the Court of Appeals of Managua, which ordered the immediate deportation of these persons²⁶⁷⁹. In a press release, the IACHR recognized that the release puts an end to years of arbitrary confinement, under deplorable conditions of detention, for being considered opponents of the government and for legitimately exercising the fundamental freedoms of expression, assembly and association, as well as the defense of human rights. However, it also repudiated the fact that these releases have been accompanied by the arbitrary deprivation of Nicaraguan nationality²⁶⁸⁰.

1164. Likewise, on February 15, the Court of Appeals of Managua communicated the judicial resolution by which 94 persons identified as political opponents were deprived of their nationality, of their political rights and of all their property, and who were described as "fugitives from justice" and "traitors to the homeland". This resolution was issued without prior trial and condemned these persons to "civil death"²⁶⁸¹.

1165. For the Inter-American Commission and its Office of the Special Rapporteur, the deprivation of nationality of persons who express political dissent is a clear restriction on the right to freedom of expression, both individually and collectively, as it has a profoundly inhibiting effect on public discourse. In the Nicaraguan context, this measure creates an atmosphere of fear and self-censorship among Nicaraguan citizens, and sends a clear message to society: those who dare to express critical opinions may be severely punished, even to the point of being stripped of their national identity.

1166. In addition to the above, in 2023, the Inter-American Commission and its Special Rapporteurship have recorded continuous acts of persecution against the Catholic Church and serious interference in academic freedom in Nicaragua. These acts not only undermine the rights to education and freedom of religion, but also negatively impact freedom of expression, due to the intrinsic relationship between these rights²⁶⁸².

1167. According to public information, on January 16, 2023, Nicaraguan priest Óscar Danilo Benavidez Dávila was sentenced to 10 years in prison for the crime of propagation of false news through information and communication technologies, in addition to the crime of conspiracy to commit undermining national integrity, to the detriment of the State of Nicaragua and society²⁶⁸³. Benavidez Dávila, from the Holy Spirit parish in the municipality of Mulukuku, has been under detention since August 14, 2022. He is the first

²⁶⁷⁸ UN, [Nicaragua: Investigation reveals political persecution as heinous international crime](#), March 2, 2022.

²⁶⁷⁹ AP, [Nicaragua frees more than 200 opponents and sends them to the US](#), February 9, 2023; Infobae, [More than 200 political prisoners were banished by Daniel Ortega's regime and sent to the United States](#), February 9, 2023; BBC, [Nicaragua frees 222 imprisoned opponents, deports them to the US and strips them of their nationality](#), February 9, 2023.

²⁶⁸⁰ IACHR, [IACHR welcomes the release of political prisoners in Nicaragua and rejects arbitrary deprivation of nationality](#), Press Release 021/23, February 13, 2023.

²⁶⁸¹ IACHR and OHCHR, [IACHR and OHCHR condemn escalating human rights violations in Nicaragua](#), Communiqué 024/23, February 17, 2023; CNN en Español, [Who are the people convicted of treason in Nicaragua? Esto es lo que sabemos](#), February 16, 2023; Voces del Sur and FLED, [Cárcel, censura y exilio: la receta aplicada por Ortega en contra de la prensa independiente en Nicaragua](#), July 10, 2023.

²⁶⁸² IACHR, [Nicaragua: IACHR and its Special Rapporteurs condemn arbitrary interference with academic freedom](#), Press Release 201/23, August 29, 2023; IACHR, [IACHR urges the State of Nicaragua to cease persecution against the Catholic Church](#), Press Release 218/23, September 15, 2023.

²⁶⁸³ Confidencial, [Priest Óscar Benavides found guilty, eight years in prison requested](#), January 17, 2023; Swissinfo, [Nicaraguan priest, critic of Ortega, sentenced to 10 years in prison](#), February 4, 2023.

Nicaraguan priest to be convicted under these criminal charges. According to available information, the judicial process was carried out without guarantees of due process²⁶⁸⁴.

1168. Likewise, Monsignor Rolando Álvarez was sentenced to 26 years and four months in prison for allegedly committing the crime of spreading false news, in addition to the crimes of conspiracy to commit undermining national integrity, obstruction of justice and contempt of authority²⁶⁸⁵. As bishop of the Diocese of Matagalpa, Rolando Álvarez has been a critical voice during the last five years, publicly denouncing abuses of power and human rights violations. He has been deprived of his freedom since August 2022, when he was detained along with other priests and citizens. On April 13, 2023, the IACHR granted precautionary measures in favor of Monsignor Alvarez, after considering that he is in a serious and urgent situation of risk of irreparable harm to his rights. On June 28, 2023, the Inter-American Court of Human Rights, at the request of the IACHR, granted provisional measures and required the State to report on his situation and his immediate release²⁶⁸⁶. In its resolution, the Court found that, with the detention of Monsignor Álvarez Lagos, a series of risk factors are configured that impose the adoption of Provisional Measures, since he is in a serious situation of irreparable damage to his life, health and personal integrity²⁶⁸⁷.

1169. Among other events of grave concern, on August 19, six members of the Society of Jesus were expelled by the arbitrary confiscation of their residence in the community of Villa del Carmen, where the Jesuit workers of the Central American University (UCA) lived²⁶⁸⁸. This occurred the day after the forced closure and cancellation of the legal status of the UCA was made official, as a result of a sentence issued by the Tenth District Criminal Court of Nicaragua on August 15, which ordered the seizure of all movable and immovable property and bank accounts of the UCA, under the argument that it functioned as a "center of terrorism, organizing criminal groups".²⁶⁸⁹

1170. According to available information, in the same Ministerial Agreement, the State approved the creation of the National University "Casimiro Sotelo Montenegro" and ordered the delivery of all information on students, professors, careers, curricula and enrollment databases of the UCA to the National Council of Universities (CNU), an entity that operates in accordance with the interests of the official party and the Executive²⁶⁹⁰. As a consequence of this closure, at least 5,000 UCA students have been affected²⁶⁹¹. In recent years, the IACHR has documented multiple acts of siege, harassment and harassment of the Jesuit community of the UCA in retaliation for its support and defense of the human rights of university students who participated in the social mobilizations of 2018. In 2022, the University denounced mechanisms of pressure and interference such as the non-extension of certifications necessary for its operation and its exclusion from the CNU in order to weaken its budget²⁶⁹².

²⁶⁸⁴ CNN en Español, [Nicaraguan Prosecutor's Office requests an extension of priest Oscar Benavides Davila's detention without detailing the charges](#), August 18, 2022.

²⁶⁸⁵ AP News, [Nicaragua: Bishop Alvarez sentenced to 26 years in prison](#), February 10, 2023; Rolando Alvarez, [Rolando Alvarez, the Nicaraguan bishop critical of the Ortega government who was released for a few hours and returned to prison amid secrecy](#), February 11, 2023; CNN en Español, [Condenan en Nicaragua a más de 26 años de prisión al obispo Rolando Álvarez](#), February 10, 2023.

²⁶⁸⁶ IACHR, [Resolution 19/2023](#), Precautionary Measures No. 214-23 Rolando José Álvarez Lagos regarding Nicaragua, April 13, 2023.

²⁶⁸⁷ I/A Court H.R., [Inter-American Court orders the State of Nicaragua to immediately release Monsignor Rolando José Álvarez Lagos](#), June 28, 2023.

²⁶⁸⁸ La Prensa, [Régimen confisca vivienda de los jesuitas a nombre de la Compañía de Jesús](#), 19 August 2023; BBC, [El gobierno de Ortega disuelve la orden de los jesuitas en Nicaragua y le confisca sus bienes](#), 23 August 2023.

²⁶⁸⁹ **France 24, [Daniel Ortega confiscates Jesuit Central American University after accusing it of "terrorism", 16 August 2023](#); El País, [Ortega and Murillo accuse Jesuit university of terrorism and order seizure of all its assets, 16 August 2023](#).**

²⁶⁹⁰ Nicaragua Investiga, August 25, 2023, [Regime retracts and now says Casimiro Sotelo University will be financed by the State](#); Divergentes, August 17, 2023, [Dictatorship creates Casimiro Sotelo National University to supplant UCA](#).

²⁶⁹¹ Confidencial, [Bloqueo a la UCA amenaza el futuro de más de 5000 estudiantes y 500 académicos](#), 14 August 2023; Nicaragua Investiga, [Exestudiantes y exdocentes de la UCA: más de 5 mil personas quedán a la deriva](#), 17 August 2023.

²⁶⁹² Confidencial, [Las 11 noticias que marcaron 2022: Persecución against the Catholic Church and the massive exodus of migrants](#), December 31, 2022; Nicaragua Investiga, [Persecución contra de la iglesia en Nicaragua es "brutal"](#), November 16, 2022;

1171. In addition to the aforementioned events, in March 2023, the Government closed two universities linked to the Catholic Church, the Universidad Juan Pablo II and the Universidad Cristiana Autónoma de Nicaragua (UCAN)²⁶⁹³. That same month, it ordered the closure of the Universidad Panamericana and the Universidad del Pacífico²⁶⁹⁴. In April, he ordered the closure of the Fundación Prouniversidad Metropolitana (Unimet), the Asociación Universidad del Norte de Nicaragua (UNN) and the Asociación Universidad Adventista de Nicaragua (Unadenic)²⁶⁹⁵. The former rector of the American University (UAM), Ernesto Medina, stated that the government's closure of universities constitutes retaliation for the 2018 anti-government demonstrations, in which students played a central role²⁶⁹⁶.

1172. Likewise, the practices of suppressing and denying academic records to university students critical of the Government persist. According to available information, this mainly affects students considered "political opponents" or critical activists, particularly leaders of student movements not affiliated with the National Union of Students of Nicaragua (UNEN)²⁶⁹⁷. The organization Aula Abierta recorded several cases, including situations of students who were conditioned to obtain academic documents in exchange for participating in indoctrination or partisan activities, or students who were expelled in retaliation, and their academic records were deleted or erased, which essentially negates their previous education²⁶⁹⁸.

1173. In this context, on November 29, 2023, Freddy Quezada, a former professor at the National Autonomous University of Nicaragua (UNAN-Managua), was detained by individuals dressed as civilians²⁶⁹⁹. According to public information, the family was informed that the professor had been transferred to Police Station III; however, as of 4:00 a.m. on November 30, 2023, the family had not been able to confirm this information²⁷⁰⁰. The arrest was allegedly made after Quezada published a comment critical of the Government in his social networks²⁷⁰¹.

1174. In view of these facts, the Rapporteurship emphasizes that the full exercise of the right to express one's own ideas and opinions and to circulate available information and the possibility of open and uninhibited deliberation on matters that concern us all is an indispensable condition for the functioning and preservation of democratic systems. The formation of an informed public opinion, aware of its rights, citizen control over public administration and the demand for accountability of state officials would not be possible if this right were not guaranteed²⁷⁰². The State of Nicaragua has the positive obligation to generate the necessary conditions so that public debate on matters that concern all citizens can develop in a plural and open and uninhibited manner²⁷⁰³.

1175. In relation to the above, it recalls the obligation of the Nicaraguan State to respect the right to freedom of expression, assembly and association, which implies refraining from using the law in an arbitrary

Nicaragua Actual, [Recorte al presupuesto de la UCA es un castigo a la juventud nicaragüense](#), January 20, 2022; Despacho 505, [El año convulso que la Iglesia Católica de Nicaragua ha vivido perseguida por Daniel Ortega y Rosario Murillo](#), August 22, 2022; Despacho 505, [Dictadura contra universidades: some it suffocates and others it threatens with closure](#), January 20, 2022.

²⁶⁹³ Deutsche Welle, [Nicaragua closes two Catholic Church universities](#), March 8, 2023; La Prensa, [Régimen cancela y confisca dos universidades](#), March 7, 2023.

²⁶⁹⁴ La Prensa, [Ministerio de Gobernación cancela dos universidades más](#), 14 March 2023; Swissinfo, [Nicaragua cierra otras dos universidades privadas y ordena decomisar bienes](#), 14 March 2023.

²⁶⁹⁵ La Prensa, [Ministerio de Gobernación cancels three more universities](#), April 24, 2023.

²⁶⁹⁶ Voice of America, [Concern grows over the closure of two private universities in Nicaragua](#), March 10, 2023.

²⁶⁹⁷ University Rights, [Denial of academic records as a weapon of political repression against Nicaraguan university students](#), September 14, 2023.

²⁶⁹⁸ University Rights, [Denial of academic records as a weapon of political repression against Nicaraguan university students](#), September 14, 2023.

²⁶⁹⁹ Cuenta de X de Miguel Mendoza (@Mendoza1970), [November 29](#).

²⁷⁰⁰ Artículo 66, [Dictadura secuestra a Freddy Quezada, profesor de generaciones de periodistas y sociólogos](#), November 29, 2023.

²⁷⁰¹ Information sent by the organization Aula Abierta, "Información preliminar: detención del académico Freddy Quezada en Nicaragua Noviembre 2023", November 29, 2023.

²⁷⁰² IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 8.

²⁷⁰³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 8.

and selective manner, and from applying abusive government practices, in order to hinder or restrict citizen participation in public affairs²⁷⁰⁴. In particular, it recalls that the use of criminal offenses such as "treason" to prosecute persons who express or disseminate opinions opposed to those of the government, or positions critical of government policies, openly violates the right to freedom of expression²⁷⁰⁵. The use of criminal law as an element of censorship and punishment of legitimate dissent constitutes a serious limitation of the right to freedom of expression and is radically incompatible with the American Convention²⁷⁰⁶.

1176. Finally, RELE recalls that there is an intrinsic relationship between the right to freedom of expression and religious and academic freedom. Inter-American jurisprudence has explained that freedom of expression has an important instrumental function, as it is a key tool for the exercise of other fundamental rights²⁷⁰⁷. Freedom of expression is an essential mechanism for the exercise of the right to participation, to religious freedom, to education, among others, and that is why it is located at the center of the human rights protection system in the hemisphere. The obligations of the State of Nicaragua with respect to respect and guarantee the right to freedom of expression include those religious and academic manifestations²⁷⁰⁸.

C. Freedom of expression and the fight against discrimination and exclusion

1177. As in its last annual report, in 2023 the Rapporteurship recorded cases of closures of indigenous community media, and reiterates that the repressive practices of the Nicaraguan government have had a significant impact on these groups of people historically discriminated against and excluded from public debate²⁷⁰⁹.

1178. On September 28, the Nicaraguan Institute of Telecommunications and Post (TELCOR) ordered the closure and confiscation of the headquarters of the indigenous community radio stations Yapti Tasba Bila Baikra Bilwi and Waspam, managed by the YATAMA party²⁷¹⁰. Similar to cases documented in previous years, the Government argued that the media were operating illegally, as they did not have a valid license²⁷¹¹. The stations had coverage in 17 Mayagna and Miskitu indigenous territories and reported on matters of general interest, and constituted a channel for denouncing situations of violence experienced by indigenous communities and problems related to the environment and climate change and its effects on indigenous communities²⁷¹². Since its foundation in 2001, its contents have been considered as a reference for the vindication, promotion and dissemination of the culture of rights of indigenous peoples²⁷¹³.

1179. The IACHR and its RELE note with concern the particular impact that the closure of radio stations has on indigenous peoples, as groups historically discriminated against and excluded from public debate. In this regard, they emphasize that community radio stations are not only tools that allow these groups

²⁷⁰⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Faced with serious allegations of the closure of civic spaces in Nicaragua. UN and IACHR rapporteurs urge authorities to comply with their international obligations to respect and guarantee fundamental freedoms](#), Press Release 218/22, September 28, 2022.

²⁷⁰⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 66.

²⁷⁰⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 66.

²⁷⁰⁷ I/A Court H.R., Case of Claude Reyes et al. v. Chile, Merits, Reparations and Costs, Judgment of September 19, 2006, Series C No. 151, para. 75.

²⁷⁰⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 19.

²⁷⁰⁹ IACHR, Annual Report 2022, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50, March 6, 2023, para. 1029.

²⁷¹⁰ Confidential, [Telcor strips Yatama of two community radio stations, police seize facilities](#), September 30, 2023; La Prensa, [Telcor closes community radio stations in Bilwi and Waspam that were managed by Yatama](#), September 30, 2023.

²⁷¹¹ Confidential, [Telcor dispossesses Yatama of two community radio stations, police take over facilities](#), September 30, 2023;

²⁷¹² Nicaragua Investiga, [Régimen cierra dos radios administradas por el partido Yátama](#), September 30, 2023.

²⁷¹³ Dispatch 505, [Telcor ordered to close two Yatama radios after capturing Brooklyn Rivera](#), September 30, 2023.

to participate fully in the public discourse, but are also essential for the preservation, transmission and continued development of indigenous cultures and languages²⁷¹⁴.

1180. As the Inter-American Court has pointed out, "the absence of indigenous voices in the media not only affects the right to freedom of expression of indigenous peoples, but also prevents citizens from having access to different narratives, especially about the opinions, worldview and music of these peoples, which is crucial given the negative effects that the mainstream media often have on the representation of indigenous peoples"²⁷¹⁵.

1181. Finally, this Office reiterates that in order for community media to fulfill their role and function in a society, and particularly within their communities, the State must refrain from unduly interfering with the right to freedom of expression²⁷¹⁶. This implies not abusing legal frameworks to illegitimately obstruct the work of community media²⁷¹⁷. Likewise, the State is obliged to adopt measures that allow access to the radio spectrum for community radio stations, especially for indigenous communities, "due to the importance that this means of communication has for them to disseminate and preserve their culture and taking into account that they constitute ethnically differentiated groups that find themselves in a situation of marginalization and social exclusion derived from poverty and discrimination"²⁷¹⁸.

D. Freedom of expression and the Internet

1182. As the Office of the Special Rapporteur has noted on previous occasions, the situation of freedom of expression on the internet in Nicaragua has been particularly undermined since the adoption of the Special Law on Cybercrime in October 2020. Since then, the Government has applied this law - in particular, the crime of spreading false news - in an arbitrary and disproportionate manner to repress online expressions of journalists, media, human rights defenders, artists, students and religious leaders. This has led individuals to resort to self-censorship or opt for anonymity for fear of reprisals²⁷¹⁹.

1183. According to public information, since the law went into effect to date, more than 20 people have been sentenced to prison for the alleged crime of spreading false news, such as journalists Miguel Mendoza, Miguel Mora and Víctor Ticay, student leader Samantha Jirón, priest Óscar Danilo Benavidez Dávila and Bishop Rolando Álvarez, and farmer Santos Camilo Bellorín Lira, from Estelí, who did not even have social network accounts²⁷²⁰.

1184. In March 2023, in the framework of the "Digital Rights of Young Nicaraguans" conversation, organized by the Fundación Puentes para el Desarrollo, the Colectivo de Derechos Humanos Nicaragua and the Red Latinoamericana de jóvenes por la Democracia, several young people highlighted that state regulations to limit and censor expression on the Internet are a tool of the Nicaraguan government to "silence dissident voices to its policies"²⁷²¹.

1185. The Rapporteurship recalls that the right to freedom of expression applies to the Internet in the same way as to all media, and that restrictions on freedom of expression on the Internet are only acceptable

²⁷¹⁴ I/A Court H.R., Case of the Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala, Merits, Reparations and Costs, October 6, 2021, Series C No. 440, para. 109.

²⁷¹⁵ I/A Court H.R., Case of the Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala, Merits, Reparations and Costs, October 6, 2021, Series C No. 440, para. 151.

²⁷¹⁶ UN, OSCE, OAS and ACHPR, [Joint Declaration on Freedom of the Media and Democracy](#), May 2, 2023.

²⁷¹⁷ UN, OSCE, OAS and ACHPR, [Joint Declaration on Freedom of the Media and Democracy](#), May 2, 2023.

²⁷¹⁸ I/A Court H.R., Case of the Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala, Merits, Reparations and Costs, October 6, 2021, Series C No. 440, para. 117.

²⁷¹⁹ Freedom House, [Freedom on the Net report](#), 2022.

²⁷²⁰ University of Oxford, Reuters Institute, [2023 Reuters Memorial Lecture. How to report under a dictatorship: lessons from Nicaragua and beyond](#), March 6, 2023; Article 66, UN: "[Persecution in Nicaragua knows no bounds](#)," January 19, 2023; Article 19, [Nicaragua: 8-year sentence against journalist Victor Ticay adds to list of human rights violations](#), August 18, 2023,

²⁷²¹ 100% Noticias, [En Nicaragua régimen viola derechos digitales de los jóvenes que se han atrincherado en las redes](#), March 29, 2023.

when they meet international standards of legality, legitimate aim, necessity and proportionality (the "tripartite" test)²⁷²².

1186. Regarding the Special Law on Cybercrimes and, in particular, the figure of "propagation of false news", this Office has already indicated that it does not pass the tripartite test²⁷²³. The provision of propagation of false news has an open and ambiguous wording that does not comply with the principle of strict legality, resulting in the arbitrary and disproportionate application of the rule and generating a chilling effect on the free flow of information and ideas²⁷²⁴. This is especially worrisome in a context of lack of guarantees of judicial independence such as the one observed by the IACHR in Nicaragua²⁷²⁵. Furthermore, the imposition of imprisonment and fines to sanction expressions of public interest -such as those covered by this norm- is unnecessary and disproportionate, since there is no imperative social interest to justify it, and it may constitute a means of indirect censorship given its chilling effect on the debate on matters of public interest²⁷²⁶.

1187. Although the climate of self-censorship also extends to the Internet, many journalists and ordinary users have continued to express political speech on social networks, but have implemented some tools to safeguard their integrity in the digital space²⁷²⁷. For example, Freedom House's Freedom on the Net 2023 report reported that more and more users are using anonymous and encrypted platforms, or sharing content with a limited group of people through closed lists²⁷²⁸.

1188. In this regard, the Commission and the Rapporteurship highlight the fundamental role of the Internet in the current context of the closing of civic space in Nicaragua, as a means that allows citizens to express themselves, receive and disseminate information on issues that concern the whole of society. Moreover, in the face of the secrecy imposed by the authorities on international observation, the Internet is particularly relevant, as it is one of the main ways to access information about what is happening in the country. Particularly when numerous media outlets have been shut down, human rights organizations have been shut down, and most journalists and people who play a role in monitoring and public scrutiny have been forced into exile or have left the profession.

²⁷²² UN, OSCE, OAS, ACHPR, Joint Declaration on Freedom of Expression and the Internet, June 1, 2011.

²⁷²³ IACHR, Annual Report 2020, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 28 March 30, 2021, para. 1065.

²⁷²⁴ IACHR, Annual Report 2020, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 28 March 30, 2021, para. 1065; Mandates of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, the UN Special Rapporteur on the situation of human rights defenders, the IACHR/OAS Special Rapporteur for Freedom of Expression, and the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, [OL NIC 3/2020](#), 13 November 2020.

²⁷²⁵ IACHR, [Nicaragua: Concentration of Power and Weakening of the Rule of Law](#), OEA/Ser.L/V/II. Doc. 288, October 25, 2021.

²⁷²⁶ I/A Court H.R., Case of Herrera Ulloa v. Costa Rica, Preliminary Objections, Merits, Reparations and Costs, Judgment of July 2, 2004, Series C No. 107, para. 101.2.

²⁷²⁷ Freedom House, [Freedom on the Net: Nicaragua](#), 2023.

²⁷²⁸ Freedom House, [Freedom on the Net: Nicaragua](#), 2023.

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1189. In 2023, the Office of the Special Rapporteur received numerous reports on attacks on freedom of expression and journalism in Panama, mostly related to cases of judicial harassment against journalists and media outlets. These cases reveal an attempt to use the judicial system to harass and hinder journalistic work. In addition, the Rapporteurship was informed about the continuation of social protests throughout the country, as well as initiatives related to access to public information and transparency. However, it also learned of situations of discrimination to the detriment of the rights of LGBTI+ persons, such as the exclusion of the possibility of same-sex marriages in the country.

A. Journalism and democracy

1190. In 2023, the Office of the Special Rapporteur received reports on criminal proceedings brought against journalists and media outlets. Among other paradigmatic cases, this Office received information that the digital media *Foco*, which is dedicated to disseminate cases of corruption, money laundering and narco-politics in the country, is facing numerous criminal and civil lawsuits for slander, libel and other crimes. According to the information received, some of these legal actions have been filed by former president Ricardo Martinelli. According to information from the Inter American Press Association (IAPA), some of them are seeking damages for US\$ 746,000²⁷²⁹.

1191. RELE also took cognizance of a judicial decision that favored former president Martinelli and authorized the seizure and search of assets of the digital portal *Foco*, as well as against two of its members: journalist Mauricio Valenzuela and one of the founders of the media, Annette Planells. This decision is framed in civil lawsuits filed by the former president for alleged slander and libel, because they addressed corruption cases at local and international level related to him²⁷³⁰.

1192. The IAPA has considered these measures as "mechanisms of intimidation and gagging to curb critical journalism" and has emphasized that "judicial harassment in Panama continues to be the main threat against freedom of the press"²⁷³¹. According to the organization, in February, there were 81 cases open for crimes against honor involving the media²⁷³². In the same sense, the U.S. Embassy in Panama expressed concern for what it called "attacks against the media", highlighting "serious corruption" and "serious restrictions to freedom of expression" in the country²⁷³³.

1193. This Rapporteurship observed that the National Authority for Transparency and Access to Information (Antai) imposed a fine on the newspaper *La Prensa* for publishing a photograph of PRD congressman Benicio Robinson, arguing an alleged violation of Law 81 on the protection of personal data. According to public information, Antai considered that the image was sensitive and could put in "serious risk" the owner of the image, sustaining the need to obtain Robinson's permission to publish his photograph²⁷³⁴. This decision has been rejected by organizations that defend transparency and fight corruption, as they argue

²⁷²⁹ Inter American Press Association (IAPA), [Panama - 79th General Assembly of the IAPA](#), November 2023; Yahoo! News, [Judicial harassment remains the greatest threat to press freedom in Panama](#), April 25, 2023.

²⁷³⁰ La Prensa, [Martielli tries to seize assets of Annette Planells and Mauricio Valenzuela](#), February 08, 2023; Panama America, [Court orders seizure of assets of Foco, Valenzuela, Movin and Planells](#), January 11, 2023.

²⁷³¹ Inter American Press Association (IAPA), [IAPA denounces abuse of lawsuits against media and journalists in Panama](#), February 14, 2023; Swissinfo, [IAPA denounces "abuse of lawsuits" against Panamanian journalists and media](#), February 14, 2023.

²⁷³² La Estrella de Panamá, [La SIP denuncia abusos contra medios y periodistas en Panamá](#), February 14, 2023; La Prensa, [Las demandas a medios amenazan la libertad de prensa en Panamá](#), April 27, 2023.

²⁷³³ CNN Latin America, U.S. [Embassy in Panama expressed on Thursday in its X account its concern for what it called "attacks against the media"](#), February 12, 2023.

²⁷³⁴ Foco Panama, [Antai fines La Prensa for publishing photo of Benicio Robinson](#), April 25, 2023; La Prensa, [Antai fines 'La Prensa' for publishing this news about Benicio Robinson](#), April 27, 2023; La Prensa, ['A serious precedent', 'absurd', 'aberrant'... reactions for Antai's fine to La Prensa for Benicio Robinson photo](#), April 25, 2023.

that Robinson is a public figure and that his image is not protected by the privacy law, and the right to publish images of public figures should be preserved²⁷³⁵.

1194. In response to concerns about the fine imposed on *La Prensa*, in April, Panamanian congressman and presidential pre-candidate Luis Adames proposed a revision of Law 81. The argument is that the data protection law should be revised to characterize it as a "categorical and punctual norm, to avoid it being subject to interpretation"²⁷³⁶.

1195. In its semiannual report, the IAPA noted that judicial harassment continues to be the main threat to press freedom in the country. Likewise, the Office welcomes the presentation of the draft bill by Congressman Gabriel Silva, which seeks to establish protections against judicial harassment through the decriminalization of slander and libel, as well as the creation of the figure of "protection against procedural harassment"²⁷³⁷.

1196. In July, RELE received information that a decision determined the forfeiture of the shares of Editora Panamá América S.A (EPASA). This determination is included in the sentence that condemned Ricardo Martinelli to 10 years and 6 months in prison²⁷³⁸. The IAPA expressed its concern about the sentence, since EPASA owns the newspapers Panamá América, Crítica and Día a Día, and the seizure could have a negative impact on press freedom in Panama. It also expressed its concern about the possibility that the seizure could be used by the Government as a way to silence critical media, which are sources of information in the country²⁷³⁹.

1197. In August, this Office learned that cartoonist Eduardo Narváez was sentenced to eight years in prison. The cartoonist was charged with the crime of psychological personal injury for having published in his social networks images of a Russian model in reference to a former prosecutor²⁷⁴⁰. This sentence has been criticized due to the length of the sentence imposed, being pointed as a violation of freedom of expression²⁷⁴¹.

1198. According to civil society, judicial harassment continues to be the main threat to press freedom in Panama, where there are also "severe difficulties in accessing information of public interest"²⁷⁴². This Office urges that media workers who investigate cases of corruption or wrongdoing not be the target of judicial harassment or other types of harassment in retaliation for their work²⁷⁴³.

1199. Despite the reported risks, the State reported that Panama is one of the countries with the highest rates of access to freedom of expression in Latin America, being a signatory of international agreements and conventions, and is a country in which journalism stands out for being diverse, modern in the use of

²⁷³⁵ Foco Panamá, [Sociedad civil rechaza multa de Antai que beneficia a Benicio Robinson](#), April 26, 2023; Red Iberoamericana, [La AAIP presentó el Proyecto de actualización de la Ley de Protección de Datos Personales en Diputados](#), August 7, 2023.

²⁷³⁶ La Prensa, [Congressman Adames raises the revision of the Personal Data Protection Law](#), April 26, 2023.

²⁷³⁷ La Estrella de Panamá, [Iniciativa legislativa busca despenalizar calumnia y evitar embargos a periodistas](#), January 27, 2023; Inter American Press Association (IAPA), [Informe ante la Reunión de Medio Año 2023](#), April 2023.

²⁷³⁸ La Estrella de Panamá, [La SIP está en alerta por decomiso de las acciones de Editora Panamá América](#), July 20, 2023; Panamá América, [La SIP alerta por sentencia que ordena el comiso de Epasa](#), July 19, 2023.

²⁷³⁹ Inter American Press Association (IAPA), [La SIP alerta por sentencia en Panamá que ordena el decomiso de grupo editorial](#), July 19, 2023; La Estrella de Panamá, [Gremios periodísticos: Autoridades deben tener un plan de acción para Epasa](#), July 18, 2023; Panamá América, [Fallo contra libertad de expresión venía siendo advertido desde el gobierno de Varela](#), July 25, 2023.

²⁷⁴⁰ La Prensa, [Declaran culpable al tuitero Edunar, por lesiones psicológicas en perjuicio de la exprocuradora Kenia Porcell](#), 4 de agosto de 2023; Panamá América, [Comentarios sobre autoridades quedarán vetados, tras fallo](#), 4 de agosto de 2023.

²⁷⁴¹ Crítica, [Navarro: absurdo y vergonzoso la condena contra tuitero Edunar](#), 7 August 2023; Panamá América, [Condena a Edunar deja en agonía la libertad de expresión](#), 5 August 2023.

²⁷⁴² La Estrella de Panamá, [Judicial harassment remains the biggest threat to press freedom in Panama](#), April 25, 2023; La Prensa, [Libertad Ciudadana alerts of the 'worrying' situation of press freedom in Panama](#), May 2, 2023.

²⁷⁴³ OAS, UN, OSCE, Joint Declaration on Media Regulation, Restrictions on Journalists and Investigation of Corruption, 2003.

technological support tools, while recognizing that freedom of expression is facing a great global challenge and, in particular in Panama, as an emerging country in the Latin American and world concert²⁷⁴⁴.

B. Freedom of expression, rule of law and democratic institutionalality

1200. In 2023 RELE continued to observe demonstrations throughout the country due to the increase in fuel prices and the rising cost of living for Panamanian citizens. As of March, more than forty isolated protest points were identified throughout the country, where various demands were presented, such as the poor state of schools, lack of water and the cost of electricity²⁷⁴⁵.

1201. The month of May was marked by the resumption of demonstrations by university teachers, who denounced non-compliance with agreements, including back payments and the allocation of 5.5% of the Gross Domestic Product (GDP) to the education sector. The teachers reached agreements with the Ministry of Education for the payment of outstanding retroactive payments since 2020, in order to avoid possible suspension of classes in the public system²⁷⁴⁶.

1202. In October and November, the IACHR and its RELE monitored protests initiated in Panama demanding the repeal of Law 406, which approved a 20-year concession contract to a company to exploit the largest open copper mine in Central America. According to information, this contract would have been negotiated as a follow-up to the decision of the Supreme Court of Justice that declared unconstitutional the original exploitation contract that had been in execution since 2017. The claims indicate that the approval of the project would have been made in a short period of time and its implementation would be unconstitutional for constituting an affectation to the natural resources and environment²⁷⁴⁷.

1203. According to public information, there were confrontations between demonstrators and police agents of the Crowd Control units, with excessive use of force²⁷⁴⁸. The Panamanian Ombudsman's Office reported that it opened 18 complaints for human rights violations in this context²⁷⁴⁹. According to said agency, during the course of the protests, complaints were received for the use of tear gas with expired dates and at least 63 people were reported injured, of which 7 were seriously injured²⁷⁵⁰. One of the injured persons was a photojournalist, who reportedly suffered serious eye injuries after being hit by a pepper spray pellet²⁷⁵¹. Likewise, the IACHR learned that on November 7, two demonstrators died after being shot by a third, who was detained by the authorities²⁷⁵².

1204. According to public sources, more than 900 people were reportedly detained for acts of vandalism and property damage. For its part, in a public statement, the Ombudsman's Office indicated that they

²⁷⁴⁴ Information sent by the State of Panama in response to RELE's request for information in the framework of the preparation of the Annual Report, Note from the Ministry of Government "Libertad de Expresión en Panamá sus Desafíos y sus logros", September 4, p.1-3. Archive of the Office of the Special Rapporteur.

²⁷⁴⁵ Panamá América, [Protestas y cierres de calles dejan en evidencia desgaste del Gobierno](#), 21 March 2023; La Prensa Latina, [Nuevas protestas populares en Panamá contra alto costo de la vida](#), 9 May 2023; Panamá América, [Gobierno y empresarios califican protestas del miércoles como irresponsables y provocativas](#), 9 August 2023.

²⁷⁴⁶ Prensa Latina, [Protestas de sectores sociales signan semana en Panamá](#), May 20, 2023; ECO TV Panamá, [Docentes convocan asamblea general el 15 de mayo](#), May 4, 2023.

²⁷⁴⁷ France 24, [Panama: dozens arrested in protests against renewal of mining contract](#), October 24, 2023; El País, [Mass protests in Panama reject concession to exploit Central America's largest copper mine](#), October 27, 2023; El País, [Protests against copper mine exploitation show clash between two environmentalists in Panama](#), November 5, 2023; BBC News, [5 keys to understanding the massive protests in Panama that have the country paralyzed](#), November 1, 2023.

²⁷⁴⁸ La Prensa, ['¿Queremos consulta? No!', gritan miles de ciudadanos que marcharon a la Asamblea; antimotines los dispersa con gas lacrimógeno](#), 30 de octubre de 2023; Voz de América, [Periodistas denuncian violencia durante protestas en Panamá](#), 4 de noviembre de 2023.

²⁷⁴⁹ Information received from the Ombudsman's Office of Panama, November 7, 2023.

²⁷⁵⁰ Information received from the Ombudsman's Office of Panama, November 7, 2023; Ombudsman's Office of Panama, [Comunicado No. 9 - Informe preliminar protestas sociales](#), November 2, 2023.

²⁷⁵¹ El País, [Aubrey Baxter, the photographer who lost an eye in Panama protests: "What is happening compares to dictatorship"](#), November 9, 2023; La Prensa, [Photographer injured in protests against mining contract loses an eye](#), October 21, 2023.

²⁷⁵² CNN en Español, [Mueren dos personas en un tiroteo durante protesta en Panamá contra el polémico contrato minero](#), November 7, 2023; [AP News. Panama: dos muertos en protesta contra contrato minero](#), November 7, 2023.

have been able to detect 325 arrests, of which in most cases the persons arrested were released with fines and verbal sanctions²⁷⁵³. According to the State, the arrests were allegedly made in the context of the commission of acts of violence contrary to Panamanian law²⁷⁵⁴.

1205. Likewise, the Commission and its Rapporteurship also received information about aggressions and intimidations against journalists and media outlets by demonstrators, preventing them from covering the protests²⁷⁵⁵.

1206. It is the duty of the State to guarantee the right to peaceful protest, in accordance with inter-American standards²⁷⁵⁶. Social protest is an essential element for the existence and consolidation of democratic societies and for the defense of human rights, and includes the exercise of freedom of expression, peaceful assembly and association. When social protest is framed within the framework of demands or questioning of governmental measures or matters of public interest, they are especially protected by Article 13 of the American Convention²⁷⁵⁷.

1207. The actions of the public security forces to stop acts of violence must be carried out in accordance with the respective protocols and in accordance with the requirements of necessity, proportionality and legality, in line with the standards on the matter²⁷⁵⁸.

1208. It is the duty of the State to respect, protect, facilitate and guarantee social protest, taking into consideration that the fact that some people engage in acts of violence does not render the protest illegitimate, nor does it authorize the security forces to break up the demonstration through the use of force. When some people commit acts of violence in the context of a protest, they should be singled out, but other demonstrators retain their right to peaceful assembly.

1209. On the other hand, regarding access to public information and transparency, this Office received information on a bill that modifies the Law on Transparency and Access to Information, proposed by the executive branch. According to public information, this bill would aim to strengthen transparency and accountability in the State, expanding its scope in accordance with international standards, especially the Inter-American model. It would also establish shorter deadlines for public entities to respond to requests for information, expand the means for information requests and create new sanctions for public entities that do not comply with the determinations of the Law²⁷⁵⁹. However, RELE noted that the initiative was rejected by a broad spectrum of civil society organizations²⁷⁶⁰. The Inter-American Press Association considered that the bill "will hinder journalists and citizens from accessing public information and will shield cases of corruption in public administration"²⁷⁶¹.

²⁷⁵³ Ombudsman's Office of Panama, [Comunicado No. 9 - Preliminary Report on Social Protests](#), November 2, 2023.

²⁷⁵⁴ Information sent by the State of Panama in response to the draft press release of the IACHR and RELE "Panama: IACHR and RELE call on the State to guarantee the right to peaceful protest", Note from the Ministry of Foreign Affairs, PANA-OAS-6-510, November 8, 2023.

²⁷⁵⁵ Information received from the Ombudsman's Office of Panama, November 7, 2023.

²⁷⁵⁶ IACHR, [Panama: IACHR and its RELE call on the State to guarantee the right to peaceful protest](#), Press Release 261/23, November 9, 2023.

²⁷⁵⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II IACHR/RELE/INF.22/19, September 2019, para. 206.

²⁷⁵⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II CIDH/RELE/INF.22/19, September 2019, para. 102.

²⁷⁵⁹ La Prensa, [Ejecutivo presenta ante la Asamblea proyecto que modifica la ley de transparencia y acceso a la información](#), April 27, 2023; La Estrella de Panamá, [Ejecutivo presentará ante la Asamblea modificación a la Ley de Transparencia](#), April 19, 2023.

²⁷⁶⁰ **La Estrella de Panamá**, [Transparency International Latin America rejects new access to information bill, September 5, 2023](#); **La Prensa**, [Más agrupaciones rechazan el proyecto que deroga la ley de Transparencia, September 12, 2023](#); **La Prensa X Account**, [September 4, 2023](#); **IPANDETEC**, [Capítulos latinoamericanos de Transparencia Internacional hacen un llamado al Gobierno de la República de Panamá, en relación al proceso de sustitución de la Ley de 2002 sobre transparencia y acceso a la información, September 4, 2023](#).

²⁷⁶¹ Inter American Press Association (IAPA), [IAPA calls for withdrawal of transparency bill in Panama](#), September 13, 2023.

1210. Also, in July, Panama's Ministry of Economy and Finance (MEF) presented a digital platform called "Gestión Transparente Panamá", which will allow citizens to monitor information on public investments in the country. The platform includes information on public investment projects in Panama, from the allocation of resources to the use of funds, enabling citizens to monitor online the activities of government institutions²⁷⁶². RELE recalls that the right of access to information is a fundamental requirement to guarantee transparency and good governance of the government and other state authorities²⁷⁶³.

1211. The State affirmed that it is a challenge to open a national debate with broad participation, without passion, but with sustenance, having a vision of the past, present and future from the perspective of Freedom of Expression, in addition to finding a balance that involves the State and the citizenry, since there are different currents that influence the responsible exercise for the construction of Panamanian democracy within a culture of peace²⁷⁶⁴.

C. Freedom of expression and the fight against discrimination and exclusion

1212. This Office recorded with concern cases of discrimination related to the use of hairstyles and haircuts referring to Afro culture at the José Dolores Moscote Institute. The Panamanian Ombudsman's Office denounced the Institute last year for discriminating against a girl because of her Afro hairstyle²⁷⁶⁵ and in 2023 a peaceful strike was registered in protest against discrimination at the Institute²⁷⁶⁶.

1213. On March 3, the Anti-Discrimination Commission of Afro-descendants in Panama launched the campaign "This back to school wear your hair with pride... it is your right" and pointed out that "not allowing an Afro-descendant student to enter classes for wearing their natural hair or a hairstyle typical of our culture, is a violation of access to education, the right to their identity"²⁷⁶⁷. In order to prevent discrimination, on March 23, the Ministry of Education (MEDUCA) published Resolution No. 887-AL, which establishes rules for school coexistence and prohibits discriminatory acts directed at students²⁷⁶⁸.

1214. As stated in a report by the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA), States are called upon to guarantee the preservation of the distinctive forms of expression of groups historically discriminated against and excluded from public debate, thus promoting the historical memory of these people and contributing to tolerance and respect in society²⁷⁶⁹.

1215. The Rapporteurship also observed threats and discrimination against the rights of LGBTI+ persons in the country. On March 1, the Supreme Court published a ruling of February 16, rejecting egalitarian marriage and declaring it unconstitutional in the face of the norms of the Family Code which provides in Article 26 for marriage "between a man and a woman"²⁷⁷⁰.

²⁷⁶² La Estrella de Panamá, [Panamá visibilizará la gestión de los recursos públicos mediante una plataforma](#), July 25, 2023; ANPanamá, [Plataforma digital permitirá monitorear información sobre las inversiones públicas en Panamá](#), July 20, 2023.

²⁷⁶³ IACHR, Office of the Special Rapporteur for Freedom of Expression, *El derecho de acceso a la información en el marco jurídico interamericano*, OEA/Ser.L/V/II. IACHR/RELE/INF. 1/09, December 30, 2009, para. 5.

²⁷⁶⁴ Information sent by the State of Panama in response to RELE's request for information in the framework of the preparation of the Annual Report, Note from the Ministry of Government "Libertad de Expresión en Panamá sus Desafíos y sus logros", September 4, p. 2.

²⁷⁶⁵ Aporrea, [Denuncian discriminación a niña por peinado afro en escuela pública de Panamá](#), December 29, 2022.

²⁷⁶⁶ Day by day, [can you or shouldn't you? Moscote students denounce discrimination for hairstyles referring to Afro culture](#), March 22, 2023.

²⁷⁶⁷ Panamá América, [Buscan evitar discriminación a estudiantes afrodescendientes](#), March 3, 2023.

²⁷⁶⁸ Telemetro, [MEDUCA establishes preventive actions against ethnic and cultural discrimination against students](#), March 23, 2023; Foco, [Meduca allows students to wear braids, afros, moños and other traditional hairstyles](#), March 24, 2023.

²⁷⁶⁹ IACHR, Rapporteurship on Economic, Social, Cultural and Environmental Rights, [Economic, Social, Cultural and Environmental Rights of People of African Descent: Inter-American Standards to Prevent, Combat and Eradicate Structural Racial Discrimination](#), OEA/Ser.L/V/II. Doc. 109, March 16, 2021, paras. 6 and 167.

²⁷⁷⁰ Deutsche Welle (DW), [Panama Supreme Court rejects egalitarian marriage](#), March 2, 2023; La Estrella de Panamá, [Supreme Court refuses to approve egalitarian marriage](#), March 1, 2023.

1216. This decision negatively impacts the principle of equality and non-discrimination by excluding the possibility of same-sex marriages and the recognition of those celebrated abroad. The IACHR calls on the State of Panama and its various bodies and all States in the region that do not yet allow same-sex marriages to reform and harmonize their domestic laws to guarantee same-sex couples the same rights, freedoms, responsibilities and opportunities that opposite-sex couples are guaranteed in strict adherence to the principle of equality and non-discrimination²⁷⁷¹. In addition to this, embassies that are part of the Equal Rights Coalition (ERC) expressed their support for the LGBTI+ community²⁷⁷².

1217. The recurrent aggressions directed towards the LGBTI+ population also resulted in the suspension of the first egalitarian wedding in the country, which was being organized by the entity Pride Panama for the morning of July 1, in commemoration of Pride Month. The decision was taken due to repeated messages and threats from extremist groups that could jeopardize the safety of the couples and their guests²⁷⁷³. The Rapporteurship affirms, once again, that it is of particular importance that States adopt actions to guarantee the exercise of the right to freedom of expression of LGBT+ persons and to empower those affected and invisibilized²⁷⁷⁴. On the contrary, as a principle, instead of restricting them, States should promote preventive and educational mechanisms and promote broader and deeper debates, as a measure to expose and combat negative stereotypes²⁷⁷⁵.

1218. On the other hand, this Office welcomes the initiative of the draft bill that seeks to allow homosexual persons to donate blood in Panama. The initiative proposes to eliminate the current restrictions that prevent homosexual persons from donating blood, as established by Resolution No. 374 of September 7, 2001²⁷⁷⁶. RELE emphasizes that this restriction has an impact on the health system as a whole and asks the State to continue its efforts to modify the regulation.

D. Freedom of expression and the Internet

1219. This Office has observed the development of programs that would contribute to digital literacy and guarantee freedom of expression online. The Ministry of Social Development (MIDES) of Panama announced the "Digital Kit for Women" program, whose objective is to provide digital skills to 1,000 women in a situation of social vulnerability residing in the townships of Colmena, allowing them to access opportunities in the digital environment²⁷⁷⁷.

1220. In addition, another project organized by Generadora Gatun is the Colón 4.0 program. The project seeks to strengthen the digital skills of young Colón residents between 18 and 26 years old, preparing them for the digital workplace through eleven months of training in areas such as programming, coding, software development, among others²⁷⁷⁸. The State of Panama highlighted that the country is served in a high percentage by the global internet network and digital connection for the benefit of the accessibility of the

²⁷⁷¹ IACHR, [IACHR calls on Panama to guarantee equal marriage and the right to equality and non-discrimination](#), Press Release No. 047/23, March 24, 2023.

²⁷⁷² Foco, [Embajadas de 9 países expresan su apoyo a la comunidad LGBTIQ+ tras fallo de la Corte](#), March 17, 2023; La Prensa, [Nueve países salen en defensa de los derechos de la comunidad LGBT en Panamá](#), March 16, 2023.

²⁷⁷³ La Estrella Panamá, [Panama Pride suspends first egalitarian wedding, reiterates lack of protection laws](#), 30 June 2023; Panama America, [Panama Pride suspends symbolic wedding between LGBTIQ+ couples](#), 30 June 2023.

²⁷⁷⁴ IACHR, Violence against LGBTI persons in the Americas, OAS/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015, para. 234.

²⁷⁷⁵ IACHR, Violence against LGBTI persons in the Americas, OAS/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015, para. 226.

²⁷⁷⁶ Foco Panamá, [Diputado Gabriel Silva propone permitir a homosexuales donar sangre](#), 28 de febrero de 2023; Día a día, [Anteproyecto de ley apuesta para que comunidad homosexual pueda donar sangre con los debidos controles y cese la discriminación](#), 18 de enero de 2023.

²⁷⁷⁷ X account of Ministry of Social Development (@MIDESPma), [July 05, 2023](#); Foco Panamá, [Anuncian plan de alfabetización digital para mujeres](#), July 12, 2023.

²⁷⁷⁸ La Estrella de Panamá, [Colón 4.0, un programa que busca fortalecer las habilidades digitales de los jóvenes colonenses](#), June 7, 2023; Panamá 24 horas, [Proyecto Colón 4.0 de Generadora Gatún promueve las habilidades digitales en los jóvenes colonenses](#), August 8, 2023.

population and is a subscriber to international agreements to ensure connectivity within the national territory²⁷⁷⁹.

²⁷⁷⁹ Information sent by the State of Panama in response to RELE's request for information in the framework of the preparation of the Annual Report, Note from the Ministry of Government "Libertad de Expresión en Panamá sus Desafíos y sus logros", September 4, p. 3. Archive of the Office of the Special Rapporteur.

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1221. The Office of the Special Rapporteur continued to observe a high level of danger for the practice of journalism in the city of Pedro Juan Caballero, due to the presence of organized crime. During this year, a journalist was murdered in this locality. In addition, 2023 was marked by the general elections in the country, held on April 30. In this context, the Office received reports of threats and stigmatizing statements directed at the press, as well as attacks against journalists during social protests. In addition, the Office became aware of several protests carried out in protest of the election results and to allege alleged electoral fraud. Finally, the Rapporteurship documented new draft laws that would affect freedom of expression and the Internet in the country.

A. Journalism and democracy

1222. This office continued to monitor the risk zone for journalists in the city of Pedro Juan Caballero. On February 14, journalist Alex Álvarez, who produced and hosted content on Radio Urunday FM, was shot to death in the aforementioned Paraguayan city. According to available information, Álvarez was shot by a motorcycle with an unknown person on board, while he was waiting in his vehicle for the traffic light to change. According to the information available, the communicator did not deal with polemic subjects or related to drug trafficking in his program and his colleagues do not know the motive of the attack, believing it to be a "mistake" on the part of the assassins²⁷⁸⁰.

1223. RELE was informed that one day after the murder of the journalist, the National Police of Paraguay, by means of a resolution, removed the chief of police of Amambay²⁷⁸¹. On February 17, 2023, they also announced the arrest of four suspects in the murder of the journalist, being that one of them has physical characteristics similar to the hitman²⁷⁸². Also, on February 23, another five people were arrested for alleged participation in the event²⁷⁸³.

1224. This Office has previously pointed out that the city of Pedro Juan Caballero, the capital of Amambay, bordering Brazil, is one of the most dangerous in the country to practice journalism due to the organized crime networks operating in the area. This is the second murder of a journalist in the city since September 2022²⁷⁸⁴.

1225. The Office reinforces the importance of the Paraguayan authorities to investigate the murders that endanger journalists in the country, as they generate a chilling and silencing effect on their peers; and violate the rights of individuals and societies to seek and receive information and ideas of any kind²⁷⁸⁵. In this context, RELE also noted that the Union of Journalists of Paraguay urged the State to comply with the commitments made in relation to the approval of the Law for the Protection of Journalists and Human Rights Defenders²⁷⁸⁶.

1226. RELE has observed that the 2023 election campaign period was marked by a scenario of threats and stigmatizing statements against the press. In March, the candidate for the Senate and husband of

²⁷⁸⁰ Última hora, [Periodista es asesinado a tiros en Pedro Juan Caballero](#), 14 February 2023; ABC, [Asesinato de periodista: comisario relata cómo ocurrió el crimen](#), 14 February 2023; Swissinfo, [Asesinan a tiros a un periodista en ciudad paraguaya limítrofe con Brasil](#), 14 February 2023.

²⁷⁸¹ Swissinfo, [Destituyen a jefe de Policía en zona donde fue asesinado periodista paraguayo](#), February 15, 2023; Diario Hoy, [Rajan al jefe policial de Amambay tras asesinato de periodista](#), February 15, 2023.

²⁷⁸² La Nación, [Detienen a cuatro sospechosos del asesinato del periodista en Pedro Juan Caballero](#), February 17, 2023; ABC, [Asesinato de periodista e PJC: detienen cuatro personas](#), February 17, 2023.

²⁷⁸³ Última hora, [Caso Alex Álvarez: Cinco detenidos tras allanamientos en Amambay](#), 23 February 2023; Ponta Porã informa, [Caso Alex Álvarez: Cinco detenidos tras allanamientos en Amambay](#), 24 February 2023.

²⁷⁸⁴ IACHR, Annual Report 2022, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 50, March 6, 2023.

²⁷⁸⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Violence against journalists](#).

²⁷⁸⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, [RELE condemns the murder of journalist Alexander Álvarez in Paraguay and urges the State to take measures to prevent violence against the press](#), Press Release R30/23, February 23, 2023.

the Concertación candidate for the Vice-Presidency of the Republic demanded the closure of the newspaper La Nación/Nación for "publishing polls that do not favor the candidates of the Concertación Nacional"²⁷⁸⁷. Also, according to the information received, in April Grupo Nación reported that its journalists were denied permission to cover a meeting with the Concertación presidential candidate at his home²⁷⁸⁸.

1227. This Office reiterates that public officials must reasonably, although not necessarily exhaustively, verify the facts on which they base their opinions, and should do so with even greater diligence than that due to private individuals, given their high position, the broad scope and possible effects that their expressions may have on certain sectors of the population²⁷⁸⁹.

1228. The Office of the Special Rapporteur recalls that, according to Principle 5 of the IACHR Declaration of Principles on Freedom of Expression, "[p]rior censorship, interference or direct or indirect pressure on any expression, opinion or information disseminated through any oral, written, artistic, visual or electronic media must be prohibited by law. Restrictions on the free flow of ideas and opinions as well as the arbitrary imposition of information and the creation of obstacles to the free flow of information violate the right to freedom of expression²⁷⁹⁰".

1229. Also, according to information reported to the Rapporteurship, a series of attacks on journalists took place in contexts of social protest after the general elections of April 30. The Roundtable for the Safety of Journalists of Paraguay (MSP) documented a series of cases of journalists who were assaulted, threatened or attacked in the context of the demonstrations. The former presidential candidate Paraguayo Cubas, for example, spread through social networks several threats and incitements against the press and journalists²⁷⁹¹. RELE became aware of an investigation of 30 social network profiles belonging to followers of the former candidate for threats against journalists and online media²⁷⁹².

1230. In addition, the cell phone of *Canal Telefuturo* was attacked with stones during coverage of events. Journalists Pablo Dávalos, of Kuarahy TV in Villarrica, and Nadia Barreto, of Guái TV in Villarrica, were physically and verbally attacked and threatened, and their work equipment was destroyed. Likewise, journalist Blanca López was also verbally attacked during a news coverage²⁷⁹³.

1231. On the other hand, this Office welcomes the efforts of the public sector and civil society to create spaces for dialogue to promote respect and guarantee journalistic coverage. For example, the MSP met with representatives of press unions and institutions on April 26, Journalist's Day, and requested that access to information, freedom of expression and the safety of journalists be guaranteed, especially for the coverage of the April 30 elections²⁷⁹⁴.

1232. The Office of the Special Rapporteur has received information about a threat and intimidation through judicial mechanisms against a journalist for the exercise of her profession in matters of public interest. In February, RELE became aware of a judicial decision that ordered the prohibition of access and approach of the Paraguayan journalist Mabel Portillo. According to public information, the journalist was denounced by the mayor of Guairá after publishing an article on an alleged embezzlement of funds in that municipality²⁷⁹⁵. In

²⁷⁸⁷ La Nación, [Ataque irresponsable de Defelippe contra libertad de prensa preocupa a vocero del SPP](#), March 3, 2023; Crónica, ["Es muy grave": Sindicato de Periodistas condena dichos del ména de Sole Núñez](#), March 3, 2023.

²⁷⁸⁸ ABC, [Elecciones Paraguay 2023: Medios ligados a Cartes denuncian censura](#), April 19, 2023; La Nación, [Censura y persecución a la libertad de expresión de prensa y opinión](#), April 20, 2023.

²⁷⁸⁹ OAS, [Guide to guarantee freedom of expression in the face of deliberate disinformation in electoral contexts](#), OEA/Ser.D/XV.22, 2019, p. 38 and 39.

²⁷⁹⁰ IACHR, [Background and Interpretation of the Declaration of Principles on Freedom of Expression](#), 2000.

²⁷⁹¹ Roundtable for the Safety of Journalists in Paraguay. May 05, 2023. [Denounces aggressions and attacks on journalists and media](#).

²⁷⁹² La Nación, [Investigan 30 perfiles de seguidores de Payo Cubas que amenazan a periodistas y medios](#), May 4, 2023.

²⁷⁹³ Mesa para la Seguridad de Periodistas del Paraguay, [Denuncia ante agresiones y ataques a periodistas y medios](#), May 5, 2023.

²⁷⁹⁴ X account of Mesa for the Safety of Journalists (@MSPeriodistaspy), [April 24, 2023](#); ABC, [Journalist organizations call for guarantees for coverage](#), April 26, 2023.

²⁷⁹⁵ ABC, ["Censura sin pudor" a periodista guaireña tras denuncia de la intendenta de Yataity del Guairá](#), February 08, 2023; Última hora, [Periodista califica de censura la orden judicial en su contra](#), February 08, 2023.

August, journalist Samir Sánchez was assaulted and threatened by partisan demonstrators who allegedly sought to prevent publications about acts of corruption²⁷⁹⁶.

1233. For its part, the State reported on the "National Strategy for Citizen Security of the Republic of Paraguay", which provides for social control and improvement of the effectiveness and professionalism of members of the National Police, in order to prevent violence against journalists, as well as the use of the criminal justice system and pressure on journalists who report on matters of public interest"²⁷⁹⁷.

1234. RELE recalls that acts of violence against journalists violate the right of the victims to express and disseminate their ideas, opinions and information²⁷⁹⁸. Likewise, it emphasizes that direct or indirect pressures aimed at silencing the informative work of social communicators are incompatible with the right to freedom of expression.

1235. RELE also learned of a decision in May that found the president of the Paraguayan Association of Users and Consumers (Asocup) guilty of violating the privacy of journalist Mercedes Barriocanal. The president was ordered to pay a fine of 52,968,060 guaraníes, equivalent to three minimum wages for 180 days. According to the information available, the sentenced person published and disseminated the communicator's home phone number on the social network Facebook and WhatsApp groups. This caused other people to send messages of repudiation against her, which she corroborated for a trial with a gender perspective, since the violence generated by this fact was especially because she was a woman²⁷⁹⁹.

1236. The Rapporteurship also received information that members of Radio Caritas Catholic University were allegedly threatened following a publication. According to public information, a phone call from an unknown person intimidated the withdrawal of the publication and the threats were extended to members of the clergy²⁸⁰⁰.

1237. Likewise, RELE was informed that the Public Prosecutor's Office was requesting information on journalists who were investigating a former president²⁸⁰¹. In response, journalists carried out a campaign in protest for what they considered to be intimidation, under the slogan "Prosecutors, I wrote the article"²⁸⁰². The prosecutor's office denied that there was any intention to intimidate, but reported that they were seeking to confirm or deny factual hypotheses²⁸⁰³.

1238. The IACHR and its Office of the Special Rapporteur have understood that attacks, threats and intimidation against journalists are intended to be "a tool that sends a clear message to all those in civil society who investigate irregularities in public administration. This practice seeks to make the press, as a control mechanism, keep silent or become an accomplice of those persons or institutions that carry out abusive or illegal acts or deeds. Ultimately, what is sought is to prevent society from being informed of these events at all

²⁷⁹⁶ Hoy, [Periodista fue atacado por familiares y seguidores de Miguel Prieto en CDE](#), 18 de agosto de 2023; Account of X de Mesa para la Seguridad de Periodistas (@MSPeriodistaspy), 16 de agosto de 2023.

²⁷⁹⁷ Information sent by the Paraguayan State in response to RELE's request for information in the framework of the preparation of the Annual Report, No. 1162-23/MPP/OAS, Información para informe anual 2023 - Relatoría para la libertad de expresión, September 8, 2023, p. 4.

²⁷⁹⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Violence against journalists](#).

²⁷⁹⁹ ABC, May 18, 2023, [Condenan a Juan Vera por lesionar la intimidad de Menchi Barriocanal](#); Última hora, [Jueza da la razón a Menchi y condena a Juan Vera por lesión a la intimidad](#), May 18, 2023.

²⁸⁰⁰ Swissinfo, [Radio católica paraguaya denuncia amenazas contra su labor y hacia el clero](#), January 24, 2023; ABC, [Radio Cáritas denuncia haber recibido amenaza por publicación](#), January 24, 2023.

²⁸⁰¹ Abc, [Fiscalía oficios remite pidiendo datos de periodistas y experto dice que es una "clara persecución"](#), 23 August 2023; Deutsche Welle (DW), [Paraguay: medios denuncian "amedrentamiento" de la Fiscalía](#), 25 August 2023.

²⁸⁰² ABC, ["Fiscales, yo redacté el artículo": periodistas hacen campaña contra amedrentamiento](#), 25 August 2023; International Federation of Journalists, [Paraguay: fiscales solicitan a medios que identifiquen a periodistas que investigaron al ex presidente Horacio Cartes](#), 24 August 2023; ABC, [El PLRA repudia abuso de fiscales contra la libertad de expresión](#), 30 August 2023.

²⁸⁰³ Deutsche Welle, August 26, 2023, [Paraguay Prosecutor's Office denies attempt to intimidate press](#); X account of Prosecutor's Office Paraguay (@MinPublicoPy), [August 25, 2023](#).

costs"²⁸⁰⁴. It is the duty of States to investigate these acts, punish the perpetrators and provide the necessary protection measures in those cases that require it.

1239. The State affirmed that there is a protection scheme for journalists, established by Law No. 4083/2-11, and that the Public Prosecutor's Office has taken action for the protection of journalists in the period²⁸⁰⁵, including with protection measures in favor of six journalists between 2022-2023²⁸⁰⁶. It also reported the existence of an Interinstitutional Roundtable for the Safety of Journalists, composed of representatives of the Executive Branch, the Legislative Branch, the Judiciary, the Public Prosecutor's Office and representatives of journalists' unions for the coordination of a rapid system to provide security to journalists, in addition to the Safety Protocol for Journalists at High Risk, which allows complaints through faster channels of information²⁸⁰⁷.

1240. In addition, RELE recognizes the conviction issued by the Court in Villarrica, Guairá department, in a case of coercion and death threats received by journalist Pablo Gastón Ortíz²⁸⁰⁸, which is an important judicial precedent for the defense of freedom of the press²⁸⁰⁹.

B. Freedom of expression, rule of law and democratic institutions

1241. The Office became aware of several events related to the April 30 general elections in the country, which led to the election of the next president, Santiago Peña.

1242. In the post-electoral period, the Rapporteurship has monitored the situation of the right to freedom of expression, especially due to the repeated accusations of former presidential candidate 'Payo' Cubas regarding alleged electoral fraud. On May 1, one day after the elections, Cubas denounced an alleged theft of votes, declaring that "this is no more, they stole the elections" and calling citizens to a march, saying "go ahead Paraguayan people, let's march on this country, because we can't stand another day in this situation"²⁸¹⁰.

1243. The former candidate's statement triggered demonstrations in 60 points of the country, with massive concentration in the capital, Asunción. The demonstrators blocked the main streets of the city and focused especially on the surroundings of the Superior Tribunal of Electoral Justice (TSJE), demanding a recount of the votes²⁸¹¹. According to information received by this Office, at least 208 persons were reportedly arrested for disturbing the public peace and other punishable acts.²⁸¹²

1244. The day after the May 1 demonstrations, the Public Prosecutor's Office of Paraguay filed a criminal complaint with the Attorney General of the Nation for the investigation and prosecution of those responsible for and participants in the acts considered criminal. These acts include "attacks against the security of the coexistence of people, disturbance of public peace, apology of crime, punishable acts against the

²⁸⁰⁴ IACHR, [Background and Interpretation of the Declaration of Principles](#), 2000.

²⁸⁰⁵ Information sent by the Paraguayan State in response to RELE's request for information in the framework of the preparation of the Annual Report, No. 1162-23/MPP/OAS, Información para informe anual 2023 - Relatoría para la libertad de expresión, September 8, 2023, p. 3.

²⁸⁰⁶ Information sent by the Paraguayan State in response to RELE's request for information in the framework of the preparation of the Annual Report, No. 1162-23/MPP/OAS, Información para informe anual 2023 - Relatoría para la libertad de expresión, September 8, 2023, p. 4.

²⁸⁰⁷ Information sent by the Paraguayan State in response to RELE's request for information in the framework of the preparation of the Annual Report, No. 1162-23/MPP/OAS, Información para informe anual 2023 - Relatoría para la libertad de expresión, September 8, 2023, p. 3.

²⁸⁰⁸ Mesa para la Seguridad de Periodistas, [Significativa condena en caso de coacción y amenaza de muerte a periodista](#), August 4, 2023; Diario La Tribuna, [Importante sentencia para la protección del periodismo y la libertad de prensa](#), August 3, 2023.

²⁸⁰⁹ X account of Pedro Vaca, Rapporteur for Freedom of Expression (@PVacaV), [August 03, 2023](#).

²⁸¹⁰ Deutsche Welle (DW), [Paraguay Cubas: "They stole the elections" from Paraguay](#), May 2, 2023; ABC, May 2, 2023, [Payo Cubas refuses to accept defeat and denounces electoral fraud, live: demonstrations, incidents and riots](#).

²⁸¹¹ France 24, May 2, 2023, [Report from Asunción: Paraguay Cubas supporters denounce "electoral fraud"](#); El País, [Furia callejera en Paraguay contra un supuesto fraude electoral del Partido Colorado](#), May 3, 2023.

²⁸¹² ABC, May 4, 2023, [Riots by Payo supporters: more than 200 arrested confirmed](#). Infobae, May 4, 2023; Infobae, [Paraguay's former presidential candidate 'Payo' Cubas asked supporters to stop demonstrations over fraud](#), May 17, 2023; Prensa Latina, [Protests in Paraguay persist over alleged electoral fraud](#), May 09, 2023.

constitutionality of the State and the electoral system, impediment of elections, punishable acts against constitutional bodies and coercion of constitutional bodies", including leaders of political parties²⁸¹³.

1245. As a consequence of his call protesting the electoral result, on May 5, Cubas was arrested at the Specialized Group of the National Police on suspicion of being one of those responsible for inciting the protests and for "disturbing the public peace and attempted coercion of constitutional bodies"²⁸¹⁴. Then, on July 7, the Paraguayan Judiciary granted house arrest to the former candidate.²⁸¹⁵

1246. On the other hand, on December 12, 2023, the Office of the Special Rapporteur learned of social demonstrations in the vicinity of the National Congress by trade unionists and retirees, who gathered to protest against the Law that creates the Superintendence of Pensions and Retirements while it was being discussed in the Senate of the Republic²⁸¹⁶. This Office received information on alleged acts of police repression, including the use of water jets and tear gas against unionists and demonstrators²⁸¹⁷. Also, according to public reports, at least 31 members of the National Electricity Administration Workers Union (Sintrade, for its acronym in Spanish) were reportedly detained and subsequently transferred to the Specialized Group of the National Police in Asunción. For its part, the Paraguayan National Police reported that around 6 police officers had been injured during the confrontations²⁸¹⁸. In this regard, the Inter-American Commission and its Office of the Special Rapporteur expressed their concern over the reports of violence against demonstrators and attacks against the press²⁸¹⁹.

1247. This Office urges that political leaders and individuals in public office refrain from making statements that may promote intolerance, discrimination or misinformation and instead take responsibility for their leadership positions to counteract social harm and promote intercultural understanding and respect for diversity²⁸²⁰.

1248. The Office of the Special Rapporteur recalls that protests are a manifestation of the right to freedom of expression, so the authorities should facilitate their exercise and should not consider them as a threat to public order or internal security²⁸²¹. It also emphasizes that States must protect the legitimate exercise of social protest and prevent the application of disproportionate restrictions that may be used to inhibit or restrict critical or dissident expressions. In accordance with international human rights standards, protesters have the freedom to choose the modality, form, place and message to carry out peaceful protest. The report on protest and human rights of the IACHR points out that the State must avoid the use of generalizing and prohibitive approaches to the various forms of demonstrating in the exercise of the right to protest, while some of them are modalities of protest that channel the social listening of some voices that otherwise would hardly enter the public agenda²⁸²². In this sense, the Rapporteurship recalls that any measure that may affect

²⁸¹³ Electoral Justice X account (@TSJE_Py), [May 02, 2023](#); CNN Español, [Paraguay Public Prosecutor's Office opens investigation into violent demonstrations](#), May 2, 2023.

²⁸¹⁴ Infobae, [Paraguay's former presidential candidate 'Payo' Cubas asked supporters to stop fraud demonstrations](#), May 17, 2023; CNN Español, [Paraguay police detain former presidential candidate who denounced alleged electoral fraud](#), May 5, 2023.

²⁸¹⁵ Yahoo! News, [House arrest granted to former presidential candidate detained in Paraguay](#), July 7, 2023; ABC, [Payo Cubas to serve house arrest in Asuncion hotel](#), July 7, 2023.

²⁸¹⁶ Última hora, [Protest, repression and arrests: Images of a hot day of demonstrations](#), December 12, 2023; ABC, [Workers and retirees arrested and injured for demonstrating against Superintendency law](#), 12 December 2023.

²⁸¹⁷ DW, [Pension protest leaves captures and injured in Paraguay](#), December 13, 2023; Swissinfo.ch, [At least 15 detained after protests near Paraguay Congress](#), December 12, 2023; AP News, [Riots and protests in Paraguay over pension law reform allowing funds to be invested](#), December 13, 2023.

²⁸¹⁸ X account of the Paraguayan National Police (@policia_py), [December 12, 2023](#).

²⁸¹⁹ X account of the Inter-American Commission on Human Rights (@CIDH), [December 14, 2023](#).

²⁸²⁰ United Nations (UN) Special Rapporteur on the Protection and Promotion of Freedom of Opinion and Expression, the Organization for Security and Cooperation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression, and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information. [Joint Declaration 2021 on Political Leaders, Public Officials and Freedom of Expression](#), October 20, 2021.

²⁸²¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 18.

²⁸²² IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 10-13.

the right to social protest must comply with the requirements of legality, necessity and proportionality. Likewise, the protection of the right to freedom of expression requires that the authorities ensure the necessary conditions for journalists to cover events of well-known public interest such as those related to social protests²⁸²³.

1249. The Office of the Special Rapporteur has become aware of an important bill that seeks to protect and guarantee the safety of journalists and human rights defenders. The proposed initiative aims to establish a Protection Mechanism in order to "prevent, protect and seek justice in order to guarantee the life, integrity, freedom and security of all those persons, groups and communities that are at risk as a result of the exercise of journalism, press work and freedom of expression". According to the project, the threatened or endangered persons will have the possibility of requesting the Mechanism to implement protection measures for themselves, their families and close groups²⁸²⁴. According to available information, the initiative was presented in the Senate by the Senate Human Rights Commission and other organizations.

1250. It emphasizes that "States have a positive obligation to create an enabling environment for freedom of expression and the right to information, including by fostering the independence and diversity of the media as a key means of promoting robust and open debate on matters of public interest, and by adopting standards that ensure public transparency and accountability of public actors"²⁸²⁵. Furthermore, according to Principle 13 of the Declaration of Principles on Freedom of Expression of the IACHR, "the use of State power (...) with the objective of pressuring and punishing or rewarding and privileging social communicators and the media according to their informative lines, violates freedom of expression. Direct or indirect pressures aimed at silencing the informative work of social communicators are incompatible with freedom of expression"²⁸²⁶.

C. Freedom of expression and the fight against discrimination and exclusion

1251. RELE takes note of the case of Belén Whittingslow, a young Paraguayan woman who reported having been a victim of digital sexual violence by one of her professors, who, at the time of the facts, was also a member of the Magistrates Council and the Jury for the Prosecution of Magistrates of Paraguay, bodies with fundamental powers for the appointment and removal of judicial operators²⁸²⁷. Belén denounced these facts both at the university where she was studying and in criminal proceedings, where the complaint was dismissed by the prosecutor in charge. After her harassment complaint, Belén was involved in two judicial processes, on the one hand, she was sued civilly for damages in the amount of 450 thousand dollars, as a consequence of the sexual harassment complaint, and on the other hand, she was criminally charged for allegedly having paid to falsify grades in exams that she did not take. In 2023, four years after the unconstitutionality action was filed against the decision that irregularly declared Belén in absentia, and two years after the initial petition was filed before the IACHR, the Supreme Court of Justice recognized that the decision declaring Belén in absentia was not in accordance with the law, in addition to considering that the decision was unconstitutional and contrary to the right to double instance, recognized in the American Convention²⁸²⁸.

1252. According to civil society organizations, when violence is exercised through digital media, as in the case of Belén, the lack of access to justice is aggravated by the fact that this type of violence has not been

²⁸²³ OAS and UN, Joint Declaration on violence against journalists and communicators in the framework of social demonstrations, September 13, 2013.

²⁸²⁴ International Federation of Journalists, [Paraguay: el SPP presentó un proyecto de ley para la creación de un mecanismo de protección a periodistas](#), April 27, 2023; ABC, [Presentan proyecto de ley de protección a periodistas](#), April 27, 2023.

²⁸²⁵ UN, OSCE, OAS, ACHPR, [Joint Declaration 2021 on Political Leaders, Public Officials and Freedom of Expression](#), October 20, 2021.

²⁸²⁶ IACHR, [Declaration of Principles on Freedom of Expression](#), 2000.

²⁸²⁷ Rule of Law Agenda, [The Belén Whittingslow case: digital sexual harassment and lack of judicial independence in Paraguay](#), May 29, 2023; TEDIC, [Belén Whittingslow case](#), undated.

²⁸²⁸ ABC, [Belén Whittingslow: Corte Anula orden de captura](#), April 26, 2023; Última Hora, [Corte Suprema de Justicia anula orden de captura a Belén Whittingslow](#), April 26, 2023.

comprehensively addressed by legislation and public policies in Paraguay, as it is not considered that new technologies deepen gender inequality and reproduce and/or reinforce violence²⁸²⁹.

1253. In this line, RELE takes note of the bill "to prevent, punish, and eradicate universal cyberbullying in Paraguay". Its promoter, Senator Zenaida Delgado, proposes to establish punitive sanctions to punish those who exercise digital violence and cyberbullying in Paraguay, with sanctions and penalties ranging from 6 months to 4 years in prison and/or a fine²⁸³⁰.

1254. For its part, the State reported that it carries out communication campaigns to raise awareness and change sociocultural patterns, in addition to a specific campaign to combat violence in its different spheres and contexts of development, such as "Hablamos a Tiempo" (We Speak in Time)²⁸³¹. The Office of the Special Rapporteur recalls that it is particularly important for States to adopt actions to guarantee the exercise of the right to freedom of expression of LGBTI+ persons and to empower those affected and made invisible by hate speech²⁸³².

1255. This Office is concerned about the bill "prohibiting the promotion, encouragement or teaching of gender ideology in the country's educational institutions"²⁸³³. According to civil society, the bill "contravenes the country's international human rights obligations, in addition to being a total affront to human rights" and "lacks effective mechanisms for diverse and inclusive social participation, and suffers from a lack of clarity regarding both its scope and its implementation, violating the principle of legality and generating enormous legal uncertainty"²⁸³⁴.

1256. In this regard, the IACHR has already expressed its concern about a 2017 decision of Paraguay to prohibit the dissemination and use of materials referring to "gender theory and/or ideology", since the gender perspective is a key tool to combat discrimination and violence against women and against people with diverse sexual orientations and gender identities. It is also a concept that seeks to make visible the position of inequality and structural subordination of women to men because of their gender²⁸³⁵. In addition, it considered that the measures adopted, prohibiting teaching with a gender perspective, correspond to a limited and stereotyped reading of the concept of family, which ignores the international standards in force on the matter and arbitrarily excludes diverse families, such as those formed by same-sex couples, which are deserving of equal protection under the American Convention²⁸³⁶.

1257. The Rapporteurship recalls that limiting the deliberation of issues of public relevance in educational spaces, which par excellence form citizens and prepare children for life in society, undermines the potential of education to develop the values of understanding, solidarity, respect and responsibility²⁸³⁷. Furthermore, the IACHR and its Office of the Special Rapporteur have emphasized that "all public policies must

²⁸²⁹ IFEX, [Belén Whittingslow v. Paraguay: a case about online gender-based violence](#), March 7, 2023; Derechos Digitales, [Belén Whittingslow v. Paraguay](#), March 2, 2023.

²⁸³⁰ El Nacional, [Presentan proyecto de ley para erradicar el ciberacoso en el país con hasta 4 años de pena](#), October 17, 2023; La Nación, [Presentaron proyecto para castigar violencia y ciberacoso](#), October 18, 2023.

²⁸³¹ Information sent by the Paraguayan State in response to RELE's request for information in the framework of the preparation of the Annual Report, No. 1162-23/MPP/OAS, Información para informe anual 2023 - Relatoría para la libertad de expresión, September 8, 2023, p.7. Archive of the Office of the Special Rapporteur.

²⁸³² IACHR, Violence against LGBTI persons, Ch. IV: Hate speech and incitement to violence against LGBTI persons, OAS/Ser.L/V/II.rev.2 Doc. 36, 12 November 2015, para. 234.

²⁸³³ Legislative Information System Paraguay, [BILL. #Expediente: S-2300017](#), July 6, 2023; ABC, [Ban on "gender ideology": commission chaired by Lizarella recommends approval, despite questioning](#), August 22, 2023.

²⁸³⁴ Amnesty International, [Paraguay: Concerns of Amnesty International about the bill "by which the promotion, encouragement or teaching of Gender Ideology in the country's educational institutions is prohibited"](#), September 20, 2023; IDEP Salud, [Paraguay: avanza el proyecto de ley que prohíbe la perspectiva de género en la educación](#), undated.

²⁸³⁵ IACHR, [IACHR regrets ban on gender teaching in Paraguay](#), Press Release 208/17, December 15, 2017.

²⁸³⁶ IACHR, [IACHR regrets ban on gender teaching in Paraguay](#), Press Release 208/17, December 15, 2017.

²⁸³⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, [La RELE llama a las autoridades de Estados Unidos a generar las condiciones para que exista una deliberación amplia, plural y robusta en espacios escolares y académicos](#), Comunicado de prensa 235/22, 20 de octubre de 2022.

always maintain the best interests of children and adolescents at the center"²⁸³⁸, and, likewise, the best interests of the child is a principle that must be interpreted in a way that respects complementary functions with other rights, such as the right of the child to be heard²⁸³⁹. Finally, the RELE reinforces that "the objective of protecting children and adolescents and their rights should be understood in a broad and continuous sense; it should be understood not only as protection against rights violations, but also as prevention strategies to prevent such violations from occurring, in addition to considering the interrelation between rights".

1258. On the other hand, the State reported that Decree No. 92, which recognized the Paraguayan sign language as official, contributing to the inclusion of persons with disabilities²⁸⁴⁰ and how the National Secretariat for the Human Rights of Persons with Disabilities (SENADIS), through its Office of Access to Public Information, is working for the promotion and access of people to public information²⁸⁴¹.

1259. The State also reported on the enactment of Law No. 6940/2022 "which establishes mechanisms and procedures to prevent and punish acts of racism and discrimination against people of African descent"²⁸⁴². The RELE reinforces that "the States must adopt positive measures to guarantee this enjoyment to women; children and adolescents; people of African descent; victims of discrimination based on their gender identity or sexual orientation; migrants and non-nationals; indigenous peoples; and groups claiming access to economic, social and cultural rights". As this Office has pointed out, the discourse of these groups of people is historically silenced and must be protected by the States"²⁸⁴³.

D. Freedom of expression and the Internet

1260. According to publicly available information, a research conducted by the Commission on Science and Technology in conjunction with the Association of Technology, Education, Development, Research, Communication (TEDIC) revealed that online platforms and social networks are the main means to manipulate and distort reality, influencing electoral results in the country. According to the report, this trend poses the challenge of debating the regulation of internet intermediaries, such as social networks and Google search engines²⁸⁴⁴. The Special Rapporteur reiterates that disinformation in electoral contexts can affect the democratic process and public confidence in democratic institutions²⁸⁴⁵.

1261. In this regard, the Rapporteurship notes that the generalized deterioration of public debate, the gaps in access and digital literacy, and the prevalence of content governance models that are incompatible with human rights standards, increasingly pose obstacles to the preservation of a free, safe and inclusive Internet for all people. Takes note, in this regard, for the observance of the recommendations to ensure freedom of expression, access to information from various sources on the Internet during the development of electoral

²⁸³⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression. Children, freedom of expression and the media in the Americas, OEA/Ser.L/V/II IACHR/RELE/INF.23/19, February 2019, para. 53.

²⁸³⁹ UN, Committee on the Rights of the Child, General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (Article 3, paragraph 1), May 29, 2013, p. 11.

²⁸⁴⁰ Information sent by the Paraguayan State in response to RELE's request for information in the framework of the preparation of the Annual Report, No. 1162-23/MPP/OAS, Información para informe anual 2023 - Relatoría para la libertad de expresión, September 8, 2023, p.6. Archive of the Office of the Special Rapporteur.

²⁸⁴¹ Information sent by the Paraguayan State in response to RELE's request for information in the framework of the preparation of the Annual Report, No. 1162-23/MPP/OAS, Información para informe anual 2023 - Relatoría para la libertad de expresión, September 8, 2023, p.7. Archive of the Office of the Special Rapporteur.

²⁸⁴² Information sent by the Paraguayan State in response to RELE's request for information in the framework of the preparation of the Annual Report, No. 1162-23/MPP/OAS, Información para informe anual 2023 - Relatoría para la libertad de expresión, September 8, 2023, p.10. Archive of the Office of the Special Rapporteur.

²⁸⁴³ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Inter-American Legal Framework on the Right to Freedom of Expression](#), OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, paras. 53 et seq.

²⁸⁴⁴ Congreso Nacional, Honorable Cámara de Diputados, [Presentan investigación acerca de la desinformación y los desafíos en el contexto electoral](#), May 15, 2023; TEDIC, [La Desinformación. Desafíos en el contexto electoral en Paraguay](#), June 15, 2023.

²⁸⁴⁵ IACHR, Guide to guarantee freedom of expression in the face of deliberate disinformation in electoral contexts, OEA/Ser.D/XV.22, 2019, p. 22.

processes, without undue interference²⁸⁴⁶. It also recalls that one of the guiding principles for Internet governance is pluralism and diversity.

1262. The Special Rapporteurship took cognizance of the bill known as "against Spotify" which proposed to amend Article 123 of Law No. 1328/98 on "copyright and related rights". The initiative proposed by the Entidad Paraguaya de Artistas Intérpretes o Ejecutantes seeks to ensure that artists receive fair compensation for their work by requiring music streaming services to pay an additional 10% to artists. The company Spotify sent a letter to the National Directorate of Intellectual Property (Dinapi) outlining its concerns that this measure would be "unsustainable" for its business and could lead it to exit the Paraguayan market²⁸⁴⁷. According to information received by this Office, the initiative would be pending study by the Chamber of Deputies²⁸⁴⁸.

1263. According to the information received by the State, the Legislation Committee of the Chamber of Deputies is currently seeking consensus on the bill "On Personal Data Protection - Personal Data of the Republic of Paraguay". The initiative establishes a regulatory framework for the comprehensive protection of people's personal data, and seeks to ensure that people have control over their personal data²⁸⁴⁹. According to public information, the bill is expected to be voted in the Chamber of Deputies in the coming months²⁸⁵⁰.

1264. Another project observed by this Rapporteurship "provides for the mandatory retention of traffic data to combat child pornography and related punishable acts"²⁸⁵¹, civil society is concerned with mass surveillance²⁸⁵². Thus, the RELE recalls that States have the obligation to respect and protect the right to privacy in accordance with international human rights law²⁸⁵³, that decisions to carry out surveillance that invade the privacy of individuals must be authorized by independent judicial authorities, which must give reasons why the measure is suitable to achieve the purposes it pursues in the specific case; whether it is sufficiently restricted so as not to affect the right involved more than necessary; and whether it is proportional to the interest to be promoted²⁸⁵⁴.

1265. The Special Rapporteurship was also informed of the bill known as "national roaming", which seeks to guarantee mobile telephone users efficient coverage throughout the country. The bill proposes that all telephone companies in the national territory share their networks with each other, so that users can use their data and minutes at no additional cost within the country²⁸⁵⁵. However, the Chamber of Mobile Operators of Paraguay (COMOPAR) warned that the initiative would be unfeasible and unconstitutional. COMOPAR argues that the project would violate Article 107 of the National Constitution, which establishes the principle of free competition. The organization also claims that the project would be detrimental to mobile telephone companies, since it would force them to share their networks without compensation²⁸⁵⁶. As of the closing date of this report, the bill is pending to be voted by the Chamber of Deputies.

1266. The Office has noted significant efforts by the State to promote digital literacy and universal access to the Internet. In February, the Ministry of Education and Science (MEC) launched a training program

²⁸⁴⁶ OAS, Resolution AG/RES. 2928 (XLVIII-O/18), [Promotion and Protection of Human Rights](#).

²⁸⁴⁷ ABC, [Spotify reiterates "concerns" over new bill proposing additional 10% payment](#), June 19, 2023; Breaking News, [Spotify urges government to "avoid rushing" with bill](#), June 19, 2023.

²⁸⁴⁸ ABC, ["anti-Spotify" law would remain on pause in Congress](#), June 27, 2023.

²⁸⁴⁹ TEDIC, [Incidencia en el Congreso de la Nación: Nuestro trabajo por una ley integral de protección de datos personales en Paraguay](#), July 28, 2023.

²⁸⁵⁰ Chamber of Deputies, [Seeking full consensus on the personal data protection bill](#), July 10, 2023; National Congress. Honorable Chamber of Deputies, [Emiten dictamen favorable al proyecto de ley de protección de datos personales](#), August 29, 2023.

²⁸⁵¹ House of Representatives, [BILL. #Expediente: D-2269521](#), October 17, 2022.

²⁸⁵² TEDIC, [The Return of the Pwawebs Law](#), October 12, 2023.

²⁸⁵³ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Freedom of Expression and the Internet](#), EA/Ser.L/V/II.149. Doc. 50, December 31, 2013, para. 23.

²⁸⁵⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Freedom of Expression and the Internet](#), OEA/Ser.L/V/II.149. Doc. 50, December 31, 2013, para. 165.

²⁸⁵⁵ ABC, [Sigue en agenda de diputados el proyecto de ley de "roaming nacional"](#), June 23, 2023; Cámara de Diputados, [Consideran prioritario estudiar el proyecto de ley de roaming automático nacional](#), May 25, 2023.

²⁸⁵⁶ ABC, [National roaming bill would be unconstitutional, telephone companies warn](#), June 16, 2023.

in digital literacy and ICT skills for more than 6,500 teachers from public and private institutions throughout the country. The program seeks to develop digital competencies and promote the effective use of digital tools in pedagogical and administrative management²⁸⁵⁷. RELE reinforces that digital literacy is important for the principle of universal access to be enshrined²⁸⁵⁸.

1267. The Rapporteurship also salutes the State for the promotion of the "Nanum Mujeres Conectadas" program, under which the State plans to benefit for the first time 1,000 families in rural and indigenous communities in the Chaco with digital connectivity. The project "promotes the management and leadership of rural women through the adoption of new technologies for the development of their organizations and production with resilience to climate change"²⁸⁵⁹. The State also reported on the "TodasConectadas" project, which seeks to provide training opportunities and inclusion of women in the digital economy and the installation of Regional Women's Centers (CRM) to achieve digital literacy among women, through the National Telecommunications Commission (CONATEL)²⁸⁶⁰.

1268. In this regard, the Office urges the State to continue taking actions to promote, in a progressive manner, universal access to Internet infrastructure and technology necessary for the use and benefit of citizens²⁸⁶¹.

²⁸⁵⁷ Agencia de información Paraguaya, [MEC will train more than 6,500 teachers in digital literacy](#), February 9, 2023.

²⁸⁵⁸ IACHR, Annual Report 2013, Report of the Office of the Special Rapporteur for Freedom of Expression, Chapter IV (Freedom of Expression and the Internet). OEA/Ser.L/V/II.149. Doc. 50., December 31, 2013, para. 16; OAS, Sixth Summit of the Americas, April 14-15, 2012, Cartagena de Indias, Colombia, Mandates arising from the Sixth Summit of the Americas, May 23, 2012, OEA/Ser.E CA-VI/doc.6/12 Rev.2, Access to and use of information and communications technologies, paras. 1-4.

²⁸⁵⁹ Agencia de información Paraguaya, [Proyecto de conectividad beneficia a 1.000 familias en comunidades remotas del Chaco](#), January 20, 2023.

²⁸⁶⁰ Information sent by the Paraguayan State in response to RELE's request for information in the framework of the preparation of the Annual Report, No. 1162-23/MPP/OAS, Información para informe anual 2023 - Relatoría para la libertad de expresión, September 8, 2023, p.7. Archive of the Office of the Special Rapporteur.

²⁸⁶¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Freedom of Expression and the Internet](#), OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 15.

PERU

1269. The year 2023 was marked by a robust mobilization of citizens in social protests, which took to the streets since December 2022. Although acts of violence and destruction of public infrastructure were reported, the Rapporteurship highlights the denunciation of human rights violations as a result of the disproportionate use of force in specific cases, including indiscriminate use against the population; attacks on journalists; as well as mass arrests of demonstrators. There was a deterioration of the public debate, with the stigmatization of the protests, including the use of the term "terrorist" and the aggravation of regional-economic tensions in Peruvian society. There were also attacks on journalists, including attempted murders and threats to their lives. Of particular concern are attacks, threats and harassment carried out by organized private groups. Thus, if the emblematic conviction of a former minister as co-perpetrator for the murder of journalist Hugo Bustíos in 1988 represents a step forward in the administration of justice, the sentence was handed down in the midst of the intensification of violence against the press. At the same time, RELE highlights the constant legislative activity in 2023 around the presentation of proposals that could have restrictive effects on the exercise of the right to freedom of expression, as well as the ruling of a decision by a high court of the country that could undermine the protection of the right to protest in Peru. In view of the above, it is urgent that the online environment can contribute to the promotion of the right to freedom of expression by a plurality of voices, democratizing access to institutional channels; therefore, it is crucial that digital literacy for the development of civic capabilities is part of the public policies that Peru has been developing in terms of universal access to ICTs. In December 2023, the Special Rapporteurship published the Special Report on the Situation of Freedom of Expression in Peru, following the visit carried out between May 16 and 20, 2022. The report compiles, analyzes and systematizes the information received before, during and after the visit to the country and addresses various allegations of violations of freedom of expression, the challenges for the guarantees of this right, and recognizes progress.

A. Journalism and democracy

1270. In 2023, the Rapporteurship observed an intensification of violence against journalists in Peru, framed by the high number of attacks in the context of social protests. The Rapporteurship is concerned about the attempted murder of at least 3 journalists in the country, various reports of threats to the lives of communicators and lawsuits - or the threat of their activation - against journalists who reported on matters of public interest. In 2023, there were once again constant reports of acts of harassment, threats and aggressions carried out by groups identified as "La Resistencia" and other related groups. Likewise, there continued to be reports of cases of stigmatizing statements by persons exercising public functions, although in smaller numbers than in previous years. However, the Rapporteurship notes significant progress in the prosecution of the murder of journalist Hugo Bustíos.

1271. On January 7, 2023, journalists Luis Agustín Angulo Díaz, co-owner of the media outlet *La Ribereña*, and Pablo Torres Putpaña, a reporter for the same media outlet, were attacked in San Martín, Bellavista province, after being hit by a vehicle that deliberately ran over them²⁸⁶². Journalist Luis Agustín Angulo Díaz needed to be hospitalized for more than 60 days²⁸⁶³. Journalist Torres Puntipaña expressed fear that the attacks may have taken place in retaliation for his reports questioning the administration of a former mayor of the Municipality of Bellavista²⁸⁶⁴. At the same time, on August 20, 2023, in Piúra, journalist Enrique Bayona was shot at by unknown individuals while he was in his vehicle. The above, after publishing reports on

²⁸⁶² IPYS, [Peru: Attempted assassination of two journalists](#), January 5, 2023; El Comercio, [San Martín: Assassination attempt against two journalists in the province of Bellavista](#), January 5, 2023.

²⁸⁶³ Diálogo Voces, [Atentado contra comunicadores Luis Angulo Díaz y Pablo Torres, será investigado, 1º Fiscalía Penal Supraprovincial Especializada en Derechos Humanos e Interculturalidad de Lima - Diario Voces](#), September 18, 2023; ANP, [ANP: Intentan asesinar a dos periodistas críticos a exgestión edil en Bellavista \(San Martín\)](#), January 5, 2023.

²⁸⁶⁴ Committee to Protect Journalists, [Dos periodistas peruanos resultan heridos al ser objeto de presunto atentado en la Carretera](#), January 17, 2023; Information provided by journalist Enrique Bayona, January 13, 2023. Archives of the Office of the Special Rapporteur.

cases of corruption in infrastructure works in the region²⁸⁶⁵. In October, a journalist was violently detained while covering an eviction in the district of Alto Larán, in Chíncha, a province south of Lima, his detention lasted more than 48 hours²⁸⁶⁶.

1272. The Rapporteurship also recorded several threats to the life of journalists as a result of their work as journalists. In January and August, journalist Manuel Calloquispe, correspondent of Latina TV in Puerto Maldonado, Madre de Dios region, was reportedly threatened with death by private individuals on several occasions after carrying out his work in the midst of protests by alleged illegal mining workers in that region of the country²⁸⁶⁷. In February, Calloquispe reportedly warned that his life was in danger after having to leave his town due to death threats²⁸⁶⁸. Also, in August, intimidating and threatening letters were reportedly left at Exitosa's headquarters in Hurala. According to available information, the letters contained reproaches for the radio station's oversight of the municipal administration, insults and death threats against journalists²⁸⁶⁹. In March, Liubomir Fernandez, correspondent of La República, was threatened after reporting on the death of six soldiers in Rio Llave, Puno²⁸⁷⁰. In June, journalist Ricardo Izquierdo received threats from troll accounts on social networks after criticizing the management of the Solid Waste Management of the Provincial Municipality of Tumbes²⁸⁷¹.

1273. The Rapporteurship underscores its concern over attacks suffered by journalists Gustavo Gorriti, of IDL-Reporteros, and Rosa María Palacios, of La República, at their homes, carried out by members of "La Resistencia"²⁸⁷². In addition, it notes acts of doxxing carried out by the same group, such as the publication of the address of journalist Gustavo Gorriti²⁸⁷³. The group was also responsible for vandalism, hurling chants, insults and garbage bags against the premises where IDL-Reporter offices are located²⁸⁷⁴, for aggressions and harassment of Canal 7 journalists and for aggression against reporter Carlos Navea, from Latina TV²⁸⁷⁵. In view of this context, on July 24, 2023, the IACHR granted precautionary measures in favor of journalist Gustavo Gorriti, requesting the adoption of the necessary measures to protect the rights to life and personal integrity of the beneficiary, as well as the necessary measures so that Gustavo Gorriti can develop his activities without being subject to acts of violence, intimidation, threats, or harassment in the exercise of his work. This includes the adoption of measures so that he can duly exercise his right to freedom of expression²⁸⁷⁶.

1274. This Rapporteurship reinforces that acts of violence against journalists violate the right of victims to express and disseminate their ideas, opinions and information; generate a chilling and silencing

²⁸⁶⁵ Consejo de la Prensa Peruana, [Peruvian Press Council calls for investigation into threats and attacks against journalists. El incremento exponencial de la delincuencia afecta la labor del periodismo de investigación](#), August 23, 2023; Red de Comunicación Regional, [Amenazan de Muerte a Periodista Enrique Bayona por Destapar Casos de Corrupción en Arcc en Piura](#), August 23, 2023.

²⁸⁶⁶ X account of the National Association of Journalists of Peru (@ANP_periodistas), [October 11, 2023](#); IPYS, [Peru: police detain journalist for more than 12 hours](#), October 10, 2023.

²⁸⁶⁷ IPYS, [Peru: death threats against journalist covering violent protests in Madre de Dios](#), 27 January 2023; X account of The International Federation of Journalists - Latin America and Caribbean (@FIP_AL), [29 August 2023](#).

²⁸⁶⁸ IPYS, [Perú: journalist is warned that his life is in danger](#), February 10, 2023; Knight Center, LatAm Journalism Review, [Peruvian journalist Manuel Calloquispe is harassed and threatened following his coverage of protests](#), February 6, 2023.

²⁸⁶⁹ IPYS, [Perú: equipo periodístico de radio denuncia amenazas por su trabajo fiscalizador contra gestión municipal](#), 22 August 2023; Exitosa, [Amenazas contra periodistas de Exitosa por investigación en Huaral y Chancay](#), 21 August 2023.

²⁸⁷⁰ Reporters Without Borders Spanish-language X account (@RSF_eng), [March 09, 2023](#); La República, [Amenazan a periodista de La República por informar sobre muerte de soldados en Puno](#), March 10, 2023.

²⁸⁷¹ Asociación Nacional de Periodistas del Perú (ANP) / Facebook, [June 20, 2023](#); La República, [Violentistas acosan a Gustavo Gorriti y Rosa María Palacios](#), February 22, 2023.

²⁸⁷² IACHR, Resolution 42/23, Precautionary Measures No. 341-23 Gustavo Andrés Gorriti Ellenbogen. Peru, July 24, 2023; La República, [Violentistas acosan a Gustavo Gorriti y Rosa María Palacios](#), February 22, 2023.

²⁸⁷³ IPYS, [Perú: líder de grupo extremista publica dirección de periodista en redes sociales](#), 8 February 2023; La República, [La Resistencia hostiga e insulta a periodista Gustavo Gorriti en su vivienda](#), 22 February 2023.

²⁸⁷⁴ IPYS, [Perú: grupo extremista arremete nuevamente contra medio de comunicación](#), 5 May 2023; Infobae, [La Resistencia: grupo extremista ataca sede de IDL Reporteros](#), 6 May 2023.

²⁸⁷⁵ Inter American Press Association, [Report to the Mid-Year Meeting 2023 April 25-27](#), April 20, 2023.

²⁸⁷⁶ IACHR, IACHR grants precautionary measures to journalist Gustavo Gorriti in Peru, Press Release No. 172/23, July 28, 2023.

effect on their peers; and violate the rights of individuals and societies to seek and receive information and ideas of any kind²⁸⁷⁷.

1275. The Rapporteurship welcomes the conviction handed down by the Third Transitory Criminal Court on April 12, 2023 against Daniel Urresti, former presidential candidate, former Minister of the Interior and former congressman, for having been a co-perpetrator in the murder of journalist Hugo Bustíos²⁸⁷⁸. Correspondent of *Caretas magazine* and president of the National Association of Journalists in the city of Huanta, Hugo Bustíos was assassinated on November 24, 1988, by agents of the armed forces. In 1997, the IACHR, after analyzing a complaint filed in the Inter-American system, recommended the Peruvian State to carry out "a new serious, impartial and effective investigation of the facts denounced in order to identify the perpetrators responsible for the execution of Hugo Bustíos Saavedra²⁸⁷⁹". The sentence of the Third Transitory Criminal Court represents a fundamental step in the search for justice and the fight against impunity.

1276. The Rapporteurship also notes the progress in the trial on the murder of journalist Melissa Alfaro, which advanced to the oral trial phase in 2023. As previously recorded by the IACHR, Melisa Alfaro, editor-in-chief of the newspaper *Cambio*, died on October 10, 1991 after being the victim of an attack by means of an "over-bomb"²⁸⁸⁰. As mentioned by the Office of the Special Rapporteur, impunity has a strong inhibiting effect on the exercise of freedom of expression and the negative consequences for democracy are particularly serious, as they affect the free, open and dynamic exchange of ideas and information²⁸⁸¹.

1277. In 2023, although there have been recorded episodes of aggression against the press in other contexts²⁸⁸², the Rapporteurship notes the significant number of attacks that occurred in the context of social protests²⁸⁸³. The Rapporteurship concludes that this is the most emblematic challenge and pattern against the informative work in 2023, especially in the framework of the protests that followed after the constitutional rupture on December 7, 2022 and the beginning of the current government.

1278. Regarding the above, RELE records that the National Association of Journalists of Peru reported that, from December 2022 to May 2023, 183 journalists and media outlets have been attacked while covering the social protests in the midst of the political crisis²⁸⁸⁴, with almost one hundred aggressions in January²⁸⁸⁵. As reported in greater detail in the Situation of Human Rights in Peru in the context of the Social Protests²⁸⁸⁶, among the facts that impose obstacles to the work of journalists, as previously reported²⁸⁸⁷, RELE cites the stigma and aggressions coming from third parties²⁸⁸⁸ as well as from police officers²⁸⁸⁹. Likewise, it reaffirms its concern with the high number of reports of verbal and physical aggressions, the obstruction of

²⁸⁷⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Violence against journalists](#).

²⁸⁷⁸ El Peruano Diario Oficial, [Poder Judicial sentences Daniel Urresti to 12 years in prison for the murder of Hugo Bustíos](#), April 13, 2023; El País, [Daniel Urresti y la condena a prisión que tardó 35 años](#), April 18, 2023.

²⁸⁷⁹ IACHR, [Report No. 38/97](#), Case 10.548, October 16, 1997.

²⁸⁸⁰ IACHR, Report on the Situation of Human Rights in Peru, OEA/Ser.L/V/II.83 Doc. 31, March 12, 1993.

²⁸⁸¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, *Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión*, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, March 15, 2017, para. 5.

²⁸⁸² Peruvian Press Council. August 23, 2023. [Peruvian Press Council calls for investigation into threats and attacks against journalists](#).

²⁸⁸³ IACHR, Human Rights Situation in Peru in the Context of Social Protests, OEA/Ser.L/V/II.doc.57/23, April 23, 2023.

²⁸⁸⁴ X account of the National Association of Journalists of Peru (@ANP_periodistas), [May 03, 2023](#).

²⁸⁸⁵ X account of The International Federation of Journalists - Latin America and Caribbean (@FIP_AL), [February 06, 2023](#).

²⁸⁸⁶ IACHR, Human Rights Situation in Peru in the Context of Social Protests, OEA/Ser.L/V/II.doc.57/23, April 23, 2023.

²⁸⁸⁷ IACHR, Human Rights Situation in Peru in the Context of Social Protests, OEA/Ser.L/V/II.doc.57/23, April 23, 2023.

²⁸⁸⁸ X account of the National Association of Journalists of Peru (@ANP_periodistas), [March 23, 2023](#); IPYS, [Peru: journalists assaulted and work equipment stolen](#), March 24, 2023; National Association of Journalists of Peru (ANP) / Facebook, [May 24, 2023](#); IPYS, [Peru: seven journalists were assaulted during anti-government demonstrations](#), July 20, 2023; National Association of Journalists of Peru (@ANP_periodistas) X account, [July 28, 2023](#); National Association of Journalists of Peru (@ANP_periodistas) X account, [July 08, 2023](#); IPYS, [Peru: journalist beaten and threatened](#), Aug. 7, 2023.

²⁸⁸⁹ X account of the National Association of Journalists of Peru (@ANP_periodistas), [Jan. 24, 2023](#); X account of the National Association of Journalists of Peru (@ANP_periodistas), [Feb. 04, 2023](#); X account of the National Association of Journalists of Peru (@ANP_periodistas), [Feb. 04, 2023](#); X account of the National Association of Journalists of Peru (@ANP_periodistas), [July 28, 2023](#); IPYS, [Peru: reporter and communicator denounced being hit by pellets while covering anti-government demonstrations](#), July 28, 2023; X account of Zuliana Lainez, journalist (@zulianalainez), [April 07, 2023](#).

journalistic coverage, damage and theft of equipment, in addition to attacks against infrastructure, property and media headquarters²⁸⁹⁰.

1279. Regarding threats and aggressions against the press, the State reported that, from April 23, 2021 to August 21, 2023, 16 risk situations involving 20 journalists were dealt with. The State also reported that the Peruvian National Police "carries out coordination actions with journalists so that their work can develop smoothly", which could even include cooperation frameworks with UNESCO Peru. The State also reinforced the existence of the "Action Protocol for the orientation and legal sponsorship of journalists and social communicators", within the scope of the Ministry of Justice and Human Rights, in order to provide the services of Legal Assistance and Defense of Victims of the Public Defense, in conditions of effectiveness, efficiency and quality. In addition, RELE notes that the State opened for consultation a "Protocol of Interinstitutional Action for the coordination and attention to journalists and social communicators in the context of alteration to public order", not approved to date²⁸⁹¹. RELE became aware that the Project could be restrictive to the exercise of freedom of the press because it implied a regulation, under police supervision, of the journalistic coverage of protests and that its elaboration lacked a plural dialogue with the sectors involved.²⁸⁹²

1280. In this context, among the stigmatizing statements against the press during 2023, RELE highlights that the President of Peru refused to testify before Peruvian media after her participation in a bilateral meeting with the President of Paraguay and described as "aggressive" a journalist who tried to interview her²⁸⁹³. In a public event in which the Regional Director of Transport and Communications was present, the governor of Ancash addressed this authority to "with the firmness of the police and the Army, ask that his licenses be evaluated and that he close those radios that they use, in a non-transparent and irresponsible manner, to annoy, to bother, to blackmail"²⁸⁹⁴. Likewise, a congressman of Perú Libre pointed out journalists as "blackmailers and mermeleros"²⁸⁹⁵ at the exit of the first regional hearing of the Amazonas government. The Rapporteurship also learned that the Municipality of Miraflores accused a journalist of "apology for cybercrime" for disseminating a report evidencing the leakage of personal data of neighbors due to failures in the municipality's web portal²⁸⁹⁶. The Rapporteurship also notes that public agents imposed restrictions on news coverage of events of public interest²⁸⁹⁷. Journalists were allegedly prevented from covering a fiscal diligence of the president²⁸⁹⁸ and an official activity for the inauguration of a public work²⁸⁹⁹.

1281. During 2023, the Rapporteurship continued to record that journalists were subject to lawsuits, or threats to file both civil and criminal lawsuits, as a result of publication of matters of public interest. The Rapporteurship learned that the senior prosecutor Juan José Machicao Tejada denounced for defamation the journalists of the newspaper Prensa Regional de Moquegua, Rogger Baylon Delgado (and Julio César Farfán

²⁸⁹⁰ IACHR, Human Rights Situation in Peru in the Context of Social Protests, OEA/Ser.L/V/II.doc.57/23, April 23, 2023.

²⁸⁹¹ Information sent by the State of Peru in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 7-5 M, Note from the Permanent Mission of Peru to the OAS, September 19, 2023. Archive of the Office of the Special Rapporteur.

²⁸⁹² Consejo de La Prensa Peruana, [El Consejo de la Prensa Peruana pide archivar protocolo de seguridad para periodistas del Ministerio del Interior](#), March 2, 2023, X account of the National Association of Journalists of Peru (@ANP_periodistas), [March 1, 2023](#).

²⁸⁹³ Infobae, [Dina Boluarte had an argument with a reporter for asking her about the state of emergency: "She is a bit aggressive](#), 18 September 2023; La República - LR+ / YouTube, [DINA BOLUARTE called journalist who asked her about STATE OF EMERGENCY "AGGRESSIVE"](#), 19 September 2023.

²⁸⁹⁴ IPYS, [Peru: regional governor orders to evaluate licenses and close media outlets used to "annoy"](#), March 24, 2023; X account of the National Association of Journalists of Peru (@ANP_periodistas), [March 22, 2023](#).

²⁸⁹⁵ Infobae, [Congresista autor de la 'Ley mordaza' es pifiado en Amazonas y lanza insultos a periodistas](#), June 2, 2023; La República, [Congresista es pifiado y lanza insultos a periodistas tras altercado con gobernador de Amazonas](#), June 2, 2023.

²⁸⁹⁶ X account of the National Association of Journalists of Peru (@ANP_periodistas), [May 7, 2023](#); La República, [Miraflores: filtran datos personales y contraseñas de congresistas, ministros y periodistas](#), May 5, 2023.

²⁸⁹⁷ X account of the National Association of Journalists of Peru (@ANP_periodistas), [5 June 2023](#); IPYS, [Peru: journalists denounce that police agents prevent coverage of anti-government marches](#), 28 July 2023; X account of Zuliana Lainez (@zulianalainez), [12 April 2023](#); X account of the National Association of Journalists of Peru (@ANP_periodistas), [20 March 2023](#).

²⁸⁹⁸ Infobae, [Dina Boluarte ended her statement at the Prosecutor's Office after just over three hours](#), June 6, 2023; IPYS, [Peru: police prevent coverage of prosecutorial diligence of President Dina Boluarte](#), July 6, 2023.

²⁸⁹⁹ Asociación Nacional de Periodistas del Perú (ANP) / Facebook, [August 1, 2023](#); La República, [Periodistas denuncian maltrato del equipo de prensa del Gobierno en visita de Boluarte a Arequipa](#), August 2, 2023.

Valverde, from the province of Ilo²⁹⁰⁰. For its part, the Municipality of Cuervo, by means of a public statement to clarify facts broadcast by the media Radio La Kuadra, Radio Integración, Radio Ilucán, Ilucán.pe and Cutervo21 regarding a trip by Cuervo rectors, threatened the media with "taking the corresponding legal actions" if they did not rectify their journalistic notes²⁹⁰¹. The Rapporteurship also recorded that the mayor of Arequipa sent a notarized letter to the media Exitosa requesting a rectification of an article on alleged irregularities in the use of public resources to hire equipment to care for the mayor's personal pet. In the letter, he pointed out that the article would have caused "personal and moral damage that I estimate at least quantifiable in the amount of 3 million soles²⁹⁰² and that, in case the rectification was not made, he would "carry out civil and criminal actions" that he was "entitled" by law. RELE also learned that the Joint Command of the Armed Forces threatened with legal action a journalist who requested information on the deaths of citizens in the regions of Ayacucho, Apurímac and Junín during the protests that began last December 7 in the country²⁹⁰³.

1282. The Special Rapporteur also received information about the dismissal of journalist Juliana Oxenford from ATV channel, under alleged political pressures and influence from far-right businessmen²⁹⁰⁴. Juliana Oxenford, known for her critical coverage of political matters, was the target of online attacks, public insults, and threats to her personal safety, particularly during and after the 2021 presidential elections in Peru²⁹⁰⁵.

1283. In this context, the SRFOE expresses its concern about the qualification decision of the Peruvian Supreme Court of Justice that qualified the crime of defamation as a possible continuing offense, when judging an appeal that questioned the recognition of the statute of limitations in favor of journalist Daniel Yovera, sued for defamation after the publication of the documentary report "Peru: The Sodalitium Scandal" on December 15, 2016. Despite the fact that in 2022 the process had been archived due to statute of limitations²⁹⁰⁶, in May 2023 the Supreme Court of Justice considered that, since he had retweeted the link of the report on his personal profile in December 2018, the statute of limitations should be counted in favor of Daniel Yovera from that date. For the Court, "it is clear that the crime of defamation is an instantaneous crime; however, it is possible that it can be examined as a continuing crime as long as the plurality of actions, equality or similarity of the affected criminal norm, unity of active and passive subject, as well as the temporal and spatial connection are verified." The Rapporteurship notes that Peruvian civil society has pointed out that this precedent may open doors for more journalists to be denounced for the continuous crime of defamation²⁹⁰⁷. Despite the fact that on June 23, 2023, the Second Criminal Court of the Superior Court of Justice of Lima, already using the criteria defined by the Supreme Court, declared the statute of limitations and extinction of the criminal action²⁹⁰⁸, the plaintiff appealed and requested the revocation of this decision, which was not accepted by the Criminal Chamber, which definitively closed the case²⁹⁰⁹.

²⁹⁰⁰ X account of the National Association of Journalists of Peru (@ANP_periodistas), [May 16, 2023](#); Radio Uno, [Ilo: Fiscal superior querrela a periodistas e interpone recurso para que no lo vuelvan a mencionar](#), May 16, 2023.

²⁹⁰¹ IPYS, [Cutervo: alcalde amenaza a periodistas y medios de comunicación con denunciarlos](#), 6 June 2023; El Nuevo Diario, [No a la amenaza contra periodistas](#), 6 June 2023.

²⁹⁰² Asociación Nacional de Periodistas del Perú (ANP) / Facebook, [May 26, 2023](#); IPYS, [Perú: alcalde anuncia demanda contra medio de comunicación y pide reparación civil de más de 800 mil dólares](#), May 27, 2023.

²⁹⁰³ IPYS, [Perú: Comando Conjunto de las Fuerzas Armadas amenaza con iniciar acciones legales contra periodista](#), 18 February 2023; La República, [CCFFAA amenazó judicialmente a periodista por pedir información sobre muertes en protestas](#), 19 February 2023.

²⁹⁰⁴ Women in Journalism, [Peru: Juliana Oxenford Ousted Amid Political Pressure and Far-Right Influence](#), December 1, 2023; El Comercio, [Juliana Oxenford informó sobre su salida de ATV: "Esta decisión no la tomé yo"](#), November 26, 2023.

²⁹⁰⁵ Women in Journalism, [Peru: Juliana Oxenford Ousted Amid Political Pressure and Far-Right Influence](#), December 1, 2023; El Comercio, [Juliana Oxenford informó sobre su salida de ATV: "Esta decisión no la tomé yo"](#), November 26, 2023.

²⁹⁰⁶ IACHR, Annual Report 2022, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50, March 6, 2023.

²⁹⁰⁷ Peruvian Press Council, [Lima Superior Court of Justice gags journalist Daniel Yovera](#), July 4, 2023; La República, [Corte Suprema pone en peligro la libertad de prensa](#), July 11, 2023.

²⁹⁰⁸ El Comercio, [Caso Sodalicio: Archivan denuncia por difamación contra el periodista Daniel Yovera](#), June 27, 2023; Infobae, [Caso Sodalicio: juzgado archiva denuncia por difamación contra el periodista Daniel Yovera](#), June 27, 2023.

²⁹⁰⁹ X account of the National Association of Journalists of Peru (@ANP_periodistas), [October 05, 2023](#); X account of journalist Daniel Yovera (@danielyovera), [October 06, 2023](#).

1284. The Rapporteurship welcomes the decision of the First Criminal Court of the *Superior Court of Justice of Ancash*, which, after approximately 4 years of judicial proceedings, acquitted journalist Olga Minaya in a criminal defamation lawsuit filed by a judge of the city of Huaraz and his wife following a publication critical of the judge's position in a case of eviction of an elderly woman²⁹¹⁰.

1285. The Office was also concerned about the investigation against journalist Paola Ugaz for alleged illicit enrichment by the First Corporate Prosecutor's Office Specializing in Crimes of Corruption of Public Officials, which began after Patricia Benavides, Public Prosecutor, received the complaint filed by Luciano Revoredo²⁹¹¹, director of the portal *La Abeja*, who has already sued her on other occasions²⁹¹². According to the Peruvian Press Council, this is an escalation in the harassment that Ugaz has been suffering for several years and could be a bad precedent for freedom of expression and press freedom, since the lifting of the journalist's banking and communications secrets was requested²⁹¹³. In October, the Peruvian Public Prosecutor's Office filed a complaint for alleged money laundering against journalist Paola Ugaz²⁹¹⁴.

1286. Finally, the Rapporteurship takes note of the decision of the Fourth Constitutional Court of Lima, which declared an amparo action founded, filed for alleged violation of the rights to freedom of expression and information protected in the Political Constitution of Peru, Article 2, paragraph 4, and Article 61, and the American Convention on Human Rights, Article 13, and declared null and void a contract for the purchase and sale of shares in a newspaper conglomerate in the country by a business group in the same sector²⁹¹⁵. As recorded in previous annual reports, this lawsuit is related to the issue of alleged media concentration in Peru and to a case currently being processed in its merits phase before the IACHR²⁹¹⁶.

B. Freedom of expression, rule of law and democratic institutions

1287. During 2023, the Rapporteurship has become aware of the presentation of bills that could affect the exercise of the right to freedom of expression and freedom of the press in the country²⁹¹⁷. In this regard, the Rapporteurship has monitored the processing of Bill 2862/2022, which proposed to raise the penalty in cases of defamation by up to five years, increasing the penalties for the "improper use" of the media and increasing the amounts of civil reparation for damage to honor²⁹¹⁸, if the crime is committed through books, the press, social networks, websites or other means of social communication, which would result in effective imprisonment. RELE underlines the strong rejection against such bill by civil society organizations, the bill²⁹¹⁹ was the object of days of protests throughout the country, as it could intimidate press workers and

²⁹¹⁰ IPYS, [Perú: piden ampliar demanda judicial por difamación contra periodista](#), May 12, 2023; Ancash Noticias, [Huaraz: absuelven caso de periodista Olga Minaya](#), July 17, 2023.

²⁹¹¹ Peruvian Press Council, [El Consejo de la Prensa Peruana rechaza nuevo caso contra periodista Paola Ugaz](#), April 28, 2023; La República, [Periodista Paola Ugaz afronta nueva denuncia penal](#), April 19, 2023.

²⁹¹² IPYS, [Peru: Attorney General's Office orders new investigation against journalist](#), April 18, 2023.

²⁹¹³ Consejo de la Prensa Peruana, [Peruvian Press Council rejects new case against journalist Paola Ugaz This case would set a bad precedent: the lifting of the secrecy of a journalist's communications](#), April 28, 2023.

²⁹¹⁴ Yahoo! News, [Peru prosecutor's office files complaint against journalist who investigated Sodalitium case](#), Oct. 3, 2023; X account of journalist Paola Ugaz (@larryportera), [Oct. 03, 2023](#).

²⁹¹⁵ Information sent by the State of Peru in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 7-5 M, Note from the Permanent Mission of Peru to the OAS, September 19, 2023. Archive of the Office of the Special Rapporteur.

²⁹¹⁶ IACHR, Annual Report 2022, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50, March 6, 2023, para. 1124.

²⁹¹⁷ Consejo de la Prensa Peruano, [Dos iniciativas en el Congreso contra la libertad de expresión e información. Ambas constituyen señales de la tendencia autoritaria y antidemocrática del Congreso](#), March 16, 2023; Congreso de La República, [Comisión de cultura y patrimonio cultural, período anual de sesiones 2022-2023](#), March 13, 2022; IPYS, [Perú: comisiones del Congreso aprueban proyecto de ley que intenta controlar contenidos de los medios de comunicación](#), April 29, 2023; Cuenta de X de La Federación Internacional de Periodistas - América Latina y Caribe (@FIP_AL), [March 21, 2023](#).

²⁹¹⁸ IFJ-FIP, [Perú: el Congreso aprobó un proyecto que profundiza la criminalización contra periodistas](#), May 8, 2023; Perú 21, [Aprueban nueva 'ley mordaza' y amenazan con prisión a periodistas](#), May 6, 2023.

²⁹¹⁹ Congress of the Republic, [Bill No. 2862/2022-CR](#).

limit journalistic work²⁹²⁰, so that several organizations sent a letter to the President of the Congress to warn about its risks²⁹²¹. In May 2023, the Congress had approved the proposal by a majority in its first opinion.²⁹²²

1288. However, on June 15, 2023, Bill 2862/2022 was not approved in the second vote and was filed²⁹²³. To date, the Peruvian State responded to a request for information formulated by RELE, detailing the bill and its processing, and about its archiving²⁹²⁴. The Peruvian State emphasized that the filing of the bill took place after extensive debates in Congress, where, among others, the Ministry of Justice and Human Rights submitted a technical opinion on the bill, concluding that it was not viable; the Ombudsman's Office also considered that the bill was not viable; and various civil society organizations submitted opinions on the legislative initiative which, coincidentally, requested the filing of the bill²⁹²⁵.

1289. In addition, RELE is closely observing the approval of Bill 05632/2023-PE, in which the Congress delegated powers to the Executive to legislate on a series of issues²⁹²⁶, including citizen security, disaster risk management, meritocracy and social infrastructure and quality of projects²⁹²⁷, for 90 days²⁹²⁸. Civil society showed concern with this proposal for believing that it will make possible the criminal prosecution of journalists and hinder freedom of the press, as well as the exercise of the right to protest²⁹²⁹, since it confers to the central government the powers it needs to approve norms with the rank of law, including in the penal code in accordance with objectives that would seek to restrict the exercise of the right to freedom of expression²⁹³⁰. In the explanatory memorandum of the legislative proposal, the Executive Branch pointed out the need to "Criminalize in an autonomous manner the collaboration to the hindering of the functioning of public services and the crime of rioting, in order to fill the gap in certain forms of participation for the commission of such crimes"; and to "punish the instigators of the crime of rioting since, within the framework of the protests, the crimes of rioting and hindering of public services have been perpetrated as mentioned above"²⁹³¹. It was also alerted to the request for modifications that would include the possibility of increasing surveillance and cyber patrols without a warrant in the name of strengthening the safe and responsible use of information and communication technologies (ICT) by children and adolescents (hereinafter, NNA), as well as facilitating the blocking of websites and applications in some cases²⁹³².

1290. The approved text was a substitute to the proposal sent by the Executive Branch²⁹³³, but it complied with the main requests of the government. However, RELE observes the express limitation of delegation, since the approved Project states that the delegated powers must be exercised "without criminalizing the freedoms of information, opinion, expression and dissemination of thought, as well as the

²⁹²⁰ X account of The International Federation of Journalists - Latin America and Caribbean (@FIP_AL), [May 12, 2023](#); El Comercio, [Gremios periodísticos convocan a un plantón este jueves en el Congreso contra 'ley mordaza'](#), May 10, 2023.

²⁹²¹ IPYS, [Gremios periodísticos de Perú exhort Congreso to protect freedom of expression](#), May 11, 2023; Centro de Noticias del Congreso, [Presidente del Congreso recibió a directivos del Colegio de Periodistas](#), May 15, 2023.

²⁹²² El Comercio, [Congreso aprueba dictamen que eleva las penas en casos de difamación](#), May 5, 2023; Infobae, [Congreso aprueba sin debate dictamen que eleva penas en casos de difamación y calumnia](#), May 5, 2023.

²⁹²³ Andina, [Congreso: pleno archivó proyecto ley que eleva penas por difamación](#), 15 June 2023; Infobae, [Congreso archivó 'Ley mordaza' que amenazaba la libertad de expresión](#), 16 June 2023.

²⁹²⁴ Information sent by the State of Peru in response to RELE's request for information on draft Law No. 2862/2022, Note No. 7-5-M/156 from the Permanent Mission of Peru to the OAS, June 26, 2023.

²⁹²⁵ Centro de Noticias del Congreso, [Pleno archiva proyecto que planteaba aumentar penas por difamación y calumnia](#), June 15, 2023; Swissinfo, [Congreso de Perú recula y rechaza un proyecto calificado de "ley mordaza" contra la prensa](#), June 16, 2023.

²⁹²⁶ Hyperlaw, August 21, 2023. [Government asks Congress for powers to monitor citizens and restrict freedom of expression](#).

²⁹²⁷ Congress of the Republic, [Congress grants the executive legislative powers in matters of citizen security](#).

²⁹²⁸ El Peruano, [Pleno del Congreso otorga facultades legislativas al Poder Ejecutivo](#), September 20, 2023; Infobae, [Congreso aprueba delegar facultades al Ejecutivo para enfrentar la inseguridad ciudadana](#), September 20, 2023.

²⁹²⁹ Infobae, [ANP president questions government for wanting to sanction journalists: "It's lethal for press freedom."](#) September 16, 2023; X account of the National Association of Journalists of Peru (@ANP_periodistas), [September 21, 2023](#).

²⁹³⁰ Hiperderecho, [Gobierno pide al Congreso facultades para vigilar a la ciudadanía y restringir la libertad de expresión](#), August 21, 2023; Canal N, [Congreso delegó al Ejecutivo la facultad de legislar en seguridad ciudadana](#), September 20, 2023.

²⁹³¹ Congress of the Republic, [Bill No. 5632/2023-PE](#).

²⁹³² Hyperlaw, [Government asks Congress for powers to monitor citizens and restrict freedom of expression](#), August 21, 2023.

²⁹³³ Congreso de La República, [Texto Sustitutorio Proyecto De Ley N° 5632/2023-PE](#), September 20, 2023.

right to assemble peacefully without arms or other fundamental rights recognized in the Political Constitution of Peru²⁹³⁴.

1291. Likewise, the RELE notes that in February 2023 the Draft Law 4177/2023 for the professionalization of journalists and communicators of Peru was presented, which, among others, would propose to modify the rule of non-obligatory membership, provided in Article 3 of Law 26937, to include that "the professional title is required when the function of journalist or social communicator is developed in a media outlet regulated by the administrative authority"²⁹³⁵. On this assumption, the Rapporteurship recalls that the Inter-American Court, in Advisory Opinion OC-5/85, stated that the practice of journalism cannot be conceived merely as limited to the provision of a service to the public through the application of knowledge or training acquired at a university or by those who are enrolled in a particular professional association²⁹³⁶.

1292. RELE also notes that press organizations pointed out that another bill that could pose a risk to institutions proposed to oblige free-to-air broadcasting companies to dedicate between 30% and 40% of their daily programming to the broadcasting of folklore, national music and series or programs related to Peruvian history, literature, culture or national reality²⁹³⁷.

1293. In relation to the protests, the Inter-American Commission on Human Rights had already published the report on the Situation of Human Rights in Peru in the context of social protests²⁹³⁸ and RELE continues to reinforce that, as has been recorded in recent years, episodes of social conflict and demonstrations are a constant in Peru, and are worsening in recent years²⁹³⁹. In January, protesters occupied the facilities of the Universidad Nacional Mayor de San Marcos^{2940,2941}. The IACHR and RELE condemned the violence committed by the security forces to free the gates of the University²⁹⁴², resulting in the mass detention of 193 people²⁹⁴³, among them a pregnant woman; children; indigenous people; elderly people; students; and four journalists²⁹⁴⁴. It is important to note that this situation is part of a series of protests²⁹⁴⁵ originated in the popular dissatisfaction, presidential vacancy and succession of Dina Boluarte²⁹⁴⁶. The protests have been led, for the most part, by indigenous peoples and peasant communities, mainly in the south of the country²⁹⁴⁷, with a series of alleged human rights violations, as reported by the Special Rapporteur for Freedom of Expression, in his report on the Situation of Human Rights in Peru in the context of social protests²⁹⁴⁸.

²⁹³⁴ Infobae, [Gobierno de Dina Boluarte no podrá criminalizar la libertad de expresión tras promulgación de facultades](#), September 23, 2023; El Peruano, [Oficializan delegación de facultades al Poder Ejecutivo por 90 días](#), September 23, 2023.

²⁹³⁵ Congress of the Republic, [Bill N 4177/200-CR](#).

²⁹³⁶ I/A Court H.R., Compulsory Membership in an Association of Journalists (Arts. 13 and 29 American Convention on Human Rights), Advisory Opinion OC-5/85 of November 13, 1985, Series A No. 5, para. 71.

²⁹³⁷ El Comercio, [Las comisiones de Transportes y Comunicaciones y Cultura y Patrimonio Cultural del Congreso aprobaron dictámenes que plantean imponer cuotas de contenido a las empresas de radio y televisión](#), March 30, 2023; IPYS, [Perú: comisiones del Congreso aprueban proyecto de ley que intenta controlar contenidos de los medios de comunicación](#), April 29, 2023.

²⁹³⁸ IACHR, Human Rights Situation in Peru in the Context of Social Protests, OEA/Ser.L/V/II.doc.57/23, April 23, 2023.

²⁹³⁹ IACHR, Human Rights Situation in Peru in the Context of Social Protests, OEA/Ser.L/V/II.doc.57/23, April 23, 2023; Human Rights Watch, Lethal Deterioration. Abuses by security forces and democratic crisis in Peru, April 26, 2023; Human Rights Watch, Lethal Deterioration.

²⁹⁴⁰ El Comercio, [San Marcos: Police enter UNMSM to evict demonstrators | VIDEO](#), January 21, 2023.

²⁹⁴¹ RPP, [Alumnos toman instalaciones de Universidad Nacional Mayor de San Marcos en protesta contra Dina Boluarte](#), January 18, 2023; El Popular, [Estudiantes toman San Marcos en apoyo a protestas y exigen la renuncia de Dina Boluarte](#), January 18, 2023.

²⁹⁴² IACHR, Human Rights Situation in Peru in the Context of Social Protests, OEA/Ser.L/V/II.doc.57/23, April 23, 2023.

²⁹⁴³ National Police of Peru X account (@PoliciaPeru), [January 22, 2023](#).

²⁹⁴⁴ IACHR, [Peru: IACHR and RELE condemn violent evictions and mass arrests at the Universidad Nacional Mayor de San Marcos](#), January 27, 2023.

²⁹⁴⁵ The New York Times, [Protests in Peru: 50 Dead and a Challenge to Democracy](#), January 17, 2023; Ombudsman's Office, [Report: Political Crisis and Social Protest](#), January 2023, p. 5. The total number was obtained by adding the number of protests and peace marches registered by the Ombudsman's Office.

²⁹⁴⁶ IACHR, Human Rights Situation in Peru in the Context of Social Protests, OEA/Ser.L/V/II.doc.57/23, April 23, 2023.

²⁹⁴⁷ IACHR, Human Rights Situation in Peru in the Context of Social Protests, OEA/Ser.L/V/II.doc.57/23, April 23, 2023.

²⁹⁴⁸ IACHR, Human Rights Situation in Peru in the Context of Social Protests, OEA/Ser.L/V/II.doc.57/23, April 23, 2023.

1294. Another worrying situation is that the authorities have tried to stigmatize the demonstrators, claiming that they are linked to terrorism and criminal groups²⁹⁴⁹, delegitimizing their demands and justifying the alleged human rights violations²⁹⁵⁰, as reported by this Rapporteurship in its report on the human rights situation in Peru²⁹⁵¹.

1295. The protests continued during the year 2023²⁹⁵² with alleged human rights violations²⁹⁵³ and a generalized deterioration of the public debate with a strong stigmatization by ethnic-racial factors²⁹⁵⁴. Furthermore, violence against demonstrators and journalists intensified during the protests that took place in the country in July 2023. As recorded to date by the IACHR, between July 19 and 30, 2022 "civil society organizations have denounced the indiscriminate use of pellets and gas, and alleged arbitrary detentions by members of the Terna Group of the Peruvian National Police (PNP) dressed in civilian clothes. As of July 30, the Ombudsman's Office registered 18 people injured, among them civilians and members of the PNP; the Public Prosecutor's Office reported 10 people detained. The National Association of Journalists has reported aggressions against 7 journalists, one of whom was injured while making a live broadcast, and another reported that she was expelled from the coverage area by agents of the security forces, allegedly for not being a registered journalist²⁹⁵⁵.

1296. In the context of protests, the Peruvian State repeatedly reaffirmed its commitment to respect and promote human rights in the country by providing safe spaces for the exercise of the right to peaceful protest²⁹⁵⁶ and assured that it was following its internal protocols and regulations, in addition to taking the necessary measures for their compliance²⁹⁵⁷. At the same time, in compliance with the internal legal framework on the use of force, the Ministry of the Interior has approved at least 4 Directives with guidelines for the use of potentially lethal weapons by the end of the year, in addition to providing training and conducting evaluations of police personnel. Finally, the Ministry of Defense also approved the "Defense sector guidelines for the intervention of the Armed Forces in support of the Peruvian National Police"²⁹⁵⁸.

1297. Now, RELE also notes with concern the decision of the cassation sentence of the Permanent Criminal Chamber of the Supreme Court of Justice, dated April 17, 2023, in the case file Recurso de en la Casación nº 1464-2021/Apurímac²⁹⁵⁹. The case refers to a blockade of a rural road located in the vicinity of the peasant community of Quehuira, department of Apurímac, carried out on May 7, 2016, and carried out by part of community members in protest against a mining company, which temporarily prevented the passage of dump trucks of copper concentrate²⁹⁶⁰. Five leaders of the community were convicted as co-perpetrators of the crime of hindering the operation of public services, confirmed by the Permanent Criminal Court. The sentence considers that "the seizure of highways, roads or public or private transportation infrastructure

²⁹⁴⁹ HIPERDERECHO, [Delito de apología al terrorismo en el Perú y su agravamiento en redes sociales: normativa peruana e impacto en la libertad de expresión](#), September 5, 2023; Perú Legal, [Apología al terrorismo en redes sociales: hilar fino para no fomentar la autocensura](#), February 14, 2023.

²⁹⁵⁰ Amnesty International, [Peru: State's lethal repression is yet another sign of contempt for the indigenous and peasant population](#), February 16, 2023; International Land Coalition, [Peasants and indigenous peoples confront racist violence in Peru](#), April 5, 2023.

²⁹⁵¹ IACHR, Human Rights Situation in Peru in the Context of Social Protests, OEA/Ser.L/V/II.doc.57/23, April 23, 2023, para. 31.

²⁹⁵² Nueva Sociedad, [Ni revolución ni barbarie: por qué protestan en Perú](#), March-April 2023; El País, [Las protestas se reactivan en Perú para exigir la renuncia de Dina Boluarte y un adelanto electoral](#), July 20, 2023.

²⁹⁵³ Human Rights Watch, [Peru: Brutal abuses by security forces. Commanders and senior officials should be investigated](#), April 26, 2023; UN, [Peru: UN experts call for end to violence in demonstrations and urge respect for human rights](#), March 6, 2023.

²⁹⁵⁴ IACHR, Human Rights Situation in Peru in the Context of Social Protests, OEA/Ser.L/V/II.doc.57/23, April 23, 2023.

²⁹⁵⁵ IACHR, [IACHR and RELE: Peru must respect standards on use of force and freedom of expression during social protests](#), Press Release No. 174/23, August 3, 2023.

²⁹⁵⁶ Information sent by the State of Peru in response to the IACHR's request for information, August 7, 2023. File of the Office of the Special Rapporteur.

²⁹⁵⁷ Information sent by the State of Peru in response to the IACHR's request for information, August 7, 2023. File of the Office of the Special Rapporteur.

²⁹⁵⁸ Information sent by the State of Peru in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 7-5 M, Note from the Permanent Representation of Peru, September 19, 2023. Archive of the Office of the Special Rapporteur.

²⁹⁵⁹ Supreme Court of Justice of the Republic, [Cassation No. 1464-2021 APURIMAC](#).

²⁹⁶⁰ Due Process Foundation (DPLF) blog, [Judicial backlash around the right to social protest in Peru](#), July 27, 2023.

spaces does not have constitutional coverage" is per se a form of "violence against persons or things", qualifying them as forms of protests or non-peaceful demonstrations given their "vehement, exorbitant acts or measures, which transcend the sphere of rights of the protesters or demonstrators". The Supreme Court of Justice has concluded that "in the case of peaceful marches - as an expression of the right of assembly - if the traffic of pedestrians and vehicles is interrupted, such actions would be outside the criminal wrong only if there were free alternative routes for pedestrians not sympathetic to the march or for vehicles, so that they could take them and reach their destination". RELE notes with particular attention the reasoning that "the right to protest, its connotation as a fundamental right and its practices of belligerent vehemence have not been recognized, specifically, in the constitutional text or in any other conventional norm".

1298. This Office emphasizes that protest plays a fundamental role in the development and strengthening of democratic systems and can contribute to the full enjoyment of civil, political, economic, social, cultural and environmental rights²⁹⁶¹. Restrictions on the right to protest must strictly protect the human rights of individuals, both those who participate and those who do not participate in protests²⁹⁶². The IACHR and RELE reinforce the need for the State to respect Inter-American standards on the use of force and to guarantee freedom of expression, in line with the recommendations issued in the recent report to the country²⁹⁶³.

1299. RELE also noted with concern that journalists suffered allegedly unjustified dismissals, such as the departure of Carlos Cornejo from the National Institute of Radio and Television (IRTP)²⁹⁶⁴ and other dismissals²⁹⁶⁵ and mistreatment²⁹⁶⁶, which were observed in a context of denunciation of alleged denaturalization of labor relations carried out by State institutions and considered²⁹⁶⁷. In August, the Peruvian Press Council installed a Reform Commission of the National Institute of Radio and Television of Peru (CR-IRTP) with the objective of producing a draft bill that guarantees the autonomy and independence of the IRTP's management with respect to the governmental powers and the State²⁹⁶⁸, since the independence of the IRTP would be violated by the governments²⁹⁶⁹, even with the resignation of the president of the board²⁹⁷⁰ and concerns about the new nomination²⁹⁷¹.

1300. Finally, the suspension of Rafael Vela, coordinator of the Lava Jato special team and anti-corruption prosecutor, for alleged serious and very serious misconduct²⁹⁷². His suspension followed Vela's

²⁹⁶¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Social Protest and Human Rights, OEA/Ser.L/V/II IACHR/RELE/INF.22/19. September 2019, para. 14.

²⁹⁶² IACHR, Human Rights Situation in Peru in the Context of Social Protests, OEA/Ser.L/V/II.doc.57/23, April 23, 2023, para. 225.

²⁹⁶³ IACHR, [IACHR and RELE: Peru must respect standards on use of force and freedom of expression during social protests](#), Press Release No. 174/23, August 3, 2023.

²⁹⁶⁴ Asociación Nacional de Periodistas del Perú (ANP) / Facebook, [January 31, 2023](#); La República, [Carlos Cornejo pronounces on his departure from TV Perú: "En marzo sabremos si nos volveremos a reencontrar"](#), February 2, 2023.

²⁹⁶⁵ X account of Zuliana Lainez (@zulianalainez), [June 29, 2023](#); Infobae, [Consejo de la Prensa Peruana confirma despido de siete periodistas de TV Perú en menos de un mes: "Hay un asedio constante y absoluto"](#), June 29, 2023.

²⁹⁶⁶ X account of Zuliana Lainez (@zulianalainez), [July 04, 2023](#); La República, [Gómez Fernandini: "Siguen los despidos en el IRTP, ahora le tocó a Radio Nacionas"](#), July 4, 2023; Diario Perú, [Siguen los despidos en el IRTP, ahora le tocó a Radio Nacional](#), July 4, 2023.

²⁹⁶⁷ Asociación Nacional de Periodistas del Perú (ANP) / Facebook, [January 31, 2023](#); La República, [ANP tras despidos en TV Perú: "Viola derechos laborales y constituye ataque a libertades informativas"](#), June 29, 2023.

²⁹⁶⁸ Peruvian Press Council, [IRTP Reform Commission is installed. The Peruvian Press Council forms the working group to guarantee the autonomy and independence of the institution](#), August 21, 2023.

²⁹⁶⁹ X account of the National Association of Journalists of Peru (@ANP_periodistas), [June 01, 2023](#).

²⁹⁷⁰ X account of the National Association of Journalists of Peru (@ANP_periodistas), [May 30, 2023](#).

²⁹⁷¹ El Comercio, [Dina Boluarte y TV Perú: ¿quién es la nueva presidenta del IRTP y por qué su nombramiento genera preocupación](#), June 4, 2023; X account of the National Association of Journalists of Peru (@ANP_periodistas), [June 01, 2023](#); Infobae, [Who is the new president of the IRTP appointed by Dina Boluarte and why her appointment generates concern](#), June 2, 2023.

²⁹⁷² RPP, [Autoridad de Control del Ministerio Público suspende Rafael Vela temporarily](#), October 5, 2023; Infobae, [Rafael Vela suspendido: por qué fue sancionado sin goce de haber por ocho meses](#), October 6, 2023.

statements to the press²⁹⁷³ for alleged administrative infractions²⁹⁷⁴, Vela has been threatened for his work²⁹⁷⁵. RELE recalls that the application of disciplinary procedures and suspension of public officials must follow strict legality and due legal process²⁹⁷⁶ and take into consideration that, although possibly subject to limitations, justice operators have their right to freedom of expression and in some cases it is not only their right, but their duty to express themselves on matters of public interest²⁹⁷⁷.

C. Freedom of expression and the fight against discrimination and exclusion

1301. During the year 2023, the IACHR continued to observe acts of discrimination and violence against vulnerable groups, especially indigenous peoples, women and LGBTQIA+ population, including stigmatizing statements by public officials. In addition, RELE highlights the sending of a case on forced sterilization in Peru to the IACHR Court. Despite this, a favorable judicial decision was observed in a case that this Rapporteurship was already following with concern²⁹⁷⁸.

1302. In the context of social mobilization that followed the imprisonment of Pedro Castillo and the assumption of power by the government of Dina Boluarte, the IACHR has noted that "political crisis and social discontent are not isolated events, but rather, according to the information received by the Commission during the visit, are closely related to structural inequality and historical discrimination, particularly towards indigenous peoples and peasant communities in the provinces located in the south of the country"²⁹⁷⁹. On the one hand, the IACHR notes that in these "regions where the greatest number of protests, stigmatizing messages and complaints of human rights violations and acts of violence were concentrated". On the other hand, it emphasized the presence of "a strong stigmatization based on ethnic-racial and regional factors, particularly in the messages reproduced by some authorities, perpetuating the notion that peasants and indigenous people who protest have links to acts of terrorism, including the use of words such as 'terrorists', 'terrucos', 'senderistas' or 'Indians'". For the IACHR, "these messages are not innocuous, but rather, on the contrary, create an environment of permissiveness and tolerance of institutional violence and discrimination towards peasant communities and indigenous peoples of Peru"²⁹⁸⁰.

1303. This Office also highlights the differential impact of human rights violations against women demonstrators in the context of protests. In January, during the eviction of the University of San Marcos²⁹⁸¹. In March, during a march preceding the commemoration of International Women's Day and protesting against the current national government, peasant women from Puno who were protesting in Lima carrying their small children on their backs, reportedly an ancestral tradition in the Andean Andes region, were allegedly repelled by riot police with tear gas bombs²⁹⁸². Likewise, the Rapporteurship underscores that Minister Óscar Becerra stigmatized the march and declared to local television station Canal N that "not even animals expose their

²⁹⁷³ El Comercio, [Abren proceso disciplinario a Rafael Vela y José Domingo Pérez por declaraciones sobre el caso Keiko Fujimori](#), Aug. 10, 2023; Infobae, [Abren nuevo proceso disciplinario contra Rafael Vela por declaraciones del caso Keiko Fujimori](#), July 3, 2023.

²⁹⁷⁴ La República, [Rafael Vela: fiscal suspended for more than 8 months for alleged administrative infractions](#), October 6, 2023; Gestión, [Rafael Vela: Supposed accuser of the prosecutor denies having filed a complaint against him](#), July 9, 2023.

²⁹⁷⁵ Instituto de Defensa Legal, [Pronunciamiento Justicia Viva-IDL: La ciudadanía repudia la amenaza al fiscal Vela Barba y al Equipo Lava Jato](#), July 4, 2023; El Comercio, [Rafael Vela: "Es una estrategia que lo que lo que busca es retirarnos de los casos y generar un caos total"](#), October 9, 2023.

²⁹⁷⁶ I/A Court H.R., Case of Nissen Pessolani v. Paraguay. Merits, Reparations and Costs, Judgment of November 21, 2022, Series C No. 477, para. 59.

²⁹⁷⁷ IACHR, Guarantees for the Independence of Justice Operators: Toward Strengthening Access to Justice and the Rule of Law in the Americas, OEA/Ser.L/V/II. Doc. 44, Dec. 5, 2013, paras. 168-171.

²⁹⁷⁸ IACHR, Annual Report 2022, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II. Doc. 50, March 6, 2023, para. 1134.

²⁹⁷⁹ IACHR X account (@IACHR), [May 16, 2023](#); and IACHR, Human Rights Situation in Peru in the Context of Social Protests, OEA/Ser.L/V/II.doc.57/23, April 23, 2023.

²⁹⁸⁰ IACHR, Human Rights Situation in Peru in the Context of Social Protests, OEA/Ser.L/V/II.doc.57/23, April 23, 2023, para. 31.

²⁹⁸¹ IACHR, Human Rights Situation in Peru in the Context of Social Protests, OEA/Ser.L/V/II.doc.57/23, April 23, 2023, para. 221.

²⁹⁸² La Jornada, [Llegamos de Puno a Lima en busca de nuestros derechos: indígenas peruanas](#), March 9, 2023; teleSURtv, [Denuncian racismo en represión contra mujeres indígenas en Perú](#), March 7, 2023.

children like this"²⁹⁸³. At the same time, the Rapporteurship learned that, in the protests that took place in July, Aymara women were reportedly particularly affected by acts of repression by the PNP²⁹⁸⁴.

1304. In this regard, the Rapporteurship takes note of the information provided by the Peruvian State on the approval, in February 2023, of a "Protocol for joint action by the State for the coordination of services in contexts of detention, retention and police intervention with women and persons in vulnerable conditions", applicable when women, children and adolescents, older adults, persons with disabilities, persons belonging to indigenous and Amazonian peoples, Afro-Peruvians, LGTBI persons and migrants are involved²⁹⁸⁵.

1305. The Rapporteurship expresses its rejection of stigmatizing statements made by public officials against persons in vulnerable situations. This Office notes that the State reported on efforts to counteract discrimination based on gender and sexual orientation in Peru. The State reported that the Ministry of Women and Vulnerable Populations (MIMP), between the years 2022 and 2023, has carried out at least 6 communication campaigns in compliance with the guideline of "*implementing mass communication strategies aimed at gender equality*" in the framework of the National Policy on Gender Equality. However, on February 26, 2023, two women journalists were subjected to sexist and offensive expressions by the mayor of Trujillo²⁹⁸⁶ when questioned about the reasons for the placement of a figure in the shape of a phallus in the municipal palace²⁹⁸⁷. In March, the mayor became angry with a question asked by a woman journalist about the rehabilitation of the municipal courts and answered by making references to the body of the press professional.²⁹⁸⁸ The LGBT community has also suffered with stigmatizing statements, once in his candidacy process for the Ombudsman's Office the current mandate holder affirmed, in an interview at the Congress of the Republic, that homosexuality is a "deformity"²⁹⁸⁹.

1306. In view of the above, the Rapporteurship emphasizes that "political leaders and persons exercising public functions should not make statements that may promote intolerance, discrimination or misinformation and, instead, should take advantage of their leadership positions to counteract these social harms"²⁹⁹⁰.

1307. However, RELE welcomes the annulment of the sentence²⁹⁹¹ that, as reported in the Annual Report 2022, had sentenced with 20 months suspended imprisonment and the payment of 180,000 soles to a student of the Pontificia Universidad Pública del Perú who had denounced, publicly and administratively, alleged acts of sexual violence committed by a professor of archeology at the University and former Minister of Culture of Peru²⁹⁹². As reported by the Peruvian State, the Fourteenth Unipersonal Court of the Superior Court

²⁹⁸³ La República, ["Marchas en Lima": PNP agredió a mujeres aimaras durante protestas en exteriores del Congreso](#), July 26, 2023; El Comercio, [Organismos rechazan palabras "denigrantes" de ministro peruano contra aymaras](#), March 7, 2023.

²⁹⁸⁴ teleSURtv, [Peruvian police repress demonstrators during protests](#), July 22, 2023; Human Rights Watch, [Lethal Deterioration: Security Force Abuses and Democratic Crisis in Peru](#), April 26, 2023.

²⁹⁸⁵ Peru, Ministry of Women and Vulnerable Populations, ["Protocolo de Actuación Conjunta del Estado para la articulación de servicios en contexto de detención, retención e intervención policial a mujeres y personas en condición de vulnerabilidad"](#).

²⁹⁸⁶ X account of the National Association of Journalists of Peru (@ANP_periodistas), [February 24, 2023](#); Infobae, [He canceled the marinera contest, made misogynistic comments and insulted a councilman: the scandals of the mayor of Trujillo](#), February 26, 2023.

²⁹⁸⁷ La República, [Alcalde de Trujillo falta al respeto a reporteras que lo cuestionaron por huaco erótico](#), February 23, 2023; Infobae, [Alcalde de Trujillo faltó el respeto a periodistas por cuestionar huaco erótico instalado en Palacio Municipal](#), February 23, 2023.

²⁹⁸⁸ La República, [Arturo Fernández issued new sexist comments against women in Trujillo](#), May 04, 2023; El Comercio, [Fernández Bazán, el alcalde de Trujillo con múltiples denuncias por expresiones y actos misóginos](#), February 25, 2023.

²⁹⁸⁹ Infobae, ["Quieren desaparecernos": miembros de la comunidad LGBT responden a mensaje discriminator del nuevo defensor del Pueblo](#), May 23, 2023; El País, [Al nuevo Defensor del Pueblo de Perú le falla la defensa](#), May 31, 2023.

²⁹⁹⁰ UN, OSCE, OAS, ACHPR, Joint Declaration on Political Leaders, Public Officials and Freedom of Expression, October 20, 2021.

²⁹⁹¹ La República, [PI annuls judgment against Marcela Poirier in defamation complaint filed by Luis Jaime Castillo](#), August 7, 2023; Brenda Alvarez's X account (@alvabren), [January 10, 2023](#).

²⁹⁹² La República, [Poder Judicial dicta prisión suspendida a Marcela Poirier por el delito de difamación contra exministro Luis Castillo](#), May 23, 2022; Wayka, [Lueza condena a exalumna que denunció hostigamiento sexual contra profesor Luis Jaime Castillo](#), May 24, 2022.

of Justice decided to file the case²⁹⁹³. In this context, RELE also welcomes the publication, in June 2023, of Ministerial Resolution No. 223-2023-MIMP, which approves a Directive for the "Prevention, attention, protection and recognition of women human rights defenders"²⁹⁹⁴. RELE recalls that "women who publicly denounce alleged perpetrators of sexual or gender-based violence should not be charged with criminal defamation, or prosecuted for false reporting of crimes, or be subject to frivolous or vexatious defamation suits"²⁹⁹⁵. States must also ensure that such expression enjoys special protection²⁹⁹⁶, often evacuated by politicians, journalists and women human rights defenders.

1308. The Rapporteurship also records the approval of the "Peru without Racism" strategy, through Ministerial Resolution No. 187-2023-M, which, as reported by the State, aims to "institutional strengthening, strengthening the existing legal framework on discrimination and racism, and the promotion of research and periodic studies aimed at understanding the public problem of racism, its scope, effects and manifestations, which will delve into deeper and structural aspects". The strategy is implemented at the lake of; a Platform Alert against Racism, which is part of the Guidance Service against Ethnic-Racial Discrimination (ORIENTA), in force since 2021²⁹⁹⁷, through which provides information and guidance to citizens who report cases of racism and discrimination.

1309. In this regard, the Rapporteurship was informed, through a letter sent to the Office, of difficulties in access to information by indigenous peoples, mainly the Kichwa people, regarding the concession of projects such as the Reducing Emissions from Deforestation and Forest Degradation Project (REDD+), carbon credit trading and other private investments in their traditional territories, in addition to the environmental management of the Cordillera Azul National Park (PNCAZ)²⁹⁹⁸. Second, human rights have not been respected, and on top of this structure of territorial dispossession that has meant for the ancestral territory and the life of the Kichwa, causing alleged violations of collective rights, such as ownership of their ancestral territory, territorial management including access to natural resources that are part of traditional practices necessary for their subsistence, and the benefits of conservation activities, in addition to the clear violation of prior consultation and free and informed consent²⁹⁹⁹. The Right to Information is guaranteed by Article 13 of the American Convention, according to the IACHR Court: "Article 13 of the Convention, by expressly stipulating the rights to "seek" and "receive" "information", protects the right of every person to request access to information under the control of the State, with the exceptions permitted under the Convention's regime of restrictions"³⁰⁰⁰.

1310. Finally, the Rapporteurship highlights the presentation of the case of Celia Edith Ramos Durand before the IACHR Court by the Commission. The victim died as a result of a sterilization to which she was subjected without her consent as part of the National Reproductive Health and Family Planning Program³⁰⁰¹. As highlighted in the merits report of the case, Article 13 of the ACHR, in its dimension of access to information, protects the right to free and informed consent for the performance of procedures that impact

²⁹⁹³ Information sent by the State of Peru in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 7-5 M, Note from the Permanent Mission of Peru to the OAS, September 19, 2023. Archive of the Office of the Special Rapporteur.

²⁹⁹⁴ Government of Peru, Ministry of Women and Vulnerable Populations, [Ministerial Resolution No. 223-2023-MIMP](#).

²⁹⁹⁵ UN, OSCE, OAS, ACHPR, Joint Declaration on Freedom of Expression and Gender Justice, 2022.

²⁹⁹⁶ UN, OSCE, OAS, ACHPR, Joint Declaration on Freedom of Expression and Gender Justice, 2022.

²⁹⁹⁷ Government of Peru, [Ministry of Culture creates ORIENTA a service for the timely attention of citizen complaints about acts of ethnic-racial discrimination](#), July 20, 2021.

²⁹⁹⁸ Information sent by Forest Peoples Programme (FPP), Instituto de Defensa Legal (IDL) and Due Process of Law Foundation (DPLF), Violación a los derechos humanos de las comunidades indígenas kichwa por parte del Parque Nacional Cordillera Azul (PNCAZ) y su Proyecto REDD+ bajo un modelo de conservación excluyente en el Perú, September 8. Archive of the IACHR and the Office of the Special Rapporteur.

²⁹⁹⁹ Information sent by Forest Peoples Programme (FPP), Instituto de Defensa Legal (IDL) and Due Process of Law Foundation (DPLF), Violación a los derechos humanos de las comunidades indígenas kichwa por parte del Parque Nacional Cordillera Azul (PNCAZ) y su Proyecto REDD+ bajo un modelo de conservación excluyente en el Perú, September 8. Archive of the IACHR and the Office of the Special Rapporteur.

³⁰⁰⁰ I/A Court H.R., Case of Claude Reyes et al. v. Chile, Merits, Reparations and Costs, Judgment of September 19, 2006, Series C No. 151.

³⁰⁰¹ IACHR, [IACHR Submitted to the IACHR Court Case of Peru on Non-Consensual Sterilization](#), Press Release No. 186/23, August 18, 2023.

the health of the person. Highlighting the dimension of access to information, the IACHR concluded that in the case there was insufficient informed consent given that the personnel in charge of the Program promoted only tubal ligation, without disseminating or informing in a clear and equitable manner the rest of the contraceptive methods³⁰⁰².

D. Freedom of expression and the Internet

1311. The Rapporteurship takes note of the approval of the National Policy of Digital Transformation to 2030³⁰⁰³, which would have the general objective "to ensure ethical use and adoption of exponential technologies and innovation in society". The plan was articulated to address the "public problem" of "low exercise of digital citizenship", which "comprises the ability of a person to participate as an active agent in society, exercising their rights and obligations in a secure digital environment, which is achieved through the execution of a series of capabilities and freedoms"³⁰⁰⁴.

1312. The Rapporteurship recognizes that the approved Policy is an important effort to establish an organic dynamic between objectives and services and is anchored in a recognition, by the Peruvian State, to overcome challenges related to the digital divide in the country and its particular impacts on certain sectors of the population. In this context, RELE emphasizes that, according to the information received from the State, there is a record of annual increase in the percentage of the population accessing the Internet in the country, according to official data from the National Institute of Statistics and Informatics, between January and March 2023, 74.8% of the population aged 6 years and older in the country uses the Internet. The information provided by the State shows a significant difference between the figure in relation to the Metropolitan Lima area (87.5%), in the rest of the urban area (77.9%) and in the rural area (45.4%)³⁰⁰⁵.

1313. Likewise, this Office notes that, as of the closing date of this report, a second vote was currently pending in Peru on the inclusion in the Constitution of a provision establishing that the State "promotes the use of information and communication technologies throughout the country" and that the State guarantees "through public or private investment, access to free Internet throughout the national territory, with special emphasis on rural areas, peasant and native communities"³⁰⁰⁶.

1314. However, the Rapporteurship notes that, as alerted by Peruvian organizations specialized in the matter³⁰⁰⁷, although the objectives of the National Digital Transformation Policy are also related to the "ethical" use of digital technologies, the Policy does not explicitly include digital literacy for the development of civic skills³⁰⁰⁸ among the indicators of its objectives or the object of the services that comprise it. The Rapporteurship invites the Peruvian State to identify opportunities to incorporate digital literacy with a focus on the development of civic skills in the use of ICTs in the operationalization of the Policy until 2030 or to advance in complementary strategies to the Policy to "promote the ability of all people to make an autonomous, independent and responsible use of the Internet and digital technologies"³⁰⁰⁹.

1315. The Rapporteurship also welcomes the approval of Resolution 003-2023-CD/OSIPTTEL, by the Board of Directors of the Supervisory Body of Private Investment in Telecommunications, through which

³⁰⁰² IACHR, [Case No. 13.752, Celia Edith Ramos Durand and her next of kin, Peru](#), Note of referral, June 3, 2023.

³⁰⁰³ El Peruano, [Decreto Supremo que aprueba la Política Nacional de Transformación Digital hacia 2030](#), July 28, 2023; Decreto Supremo n. 085-2023-PCM.

³⁰⁰⁴ El Peruano, [Decreto Supremo que aprueba la Política Nacional de Transformación Digital hacia 2030](#), July 28, 2023; Decreto Supremo n. 085-2023-PCM.

³⁰⁰⁵ Information sent by the State of Peru in response to RELE's request for information in the framework of the preparation of the Annual Report, Note No. 7-5 M, Note from the Permanent Representation of Peru to the OAS, September 19, 2023. Archive of the Office of the Special Rapporteur.

³⁰⁰⁶ Congress of the Republic, [Bill n 00557/2021-CR](#), accessed October 16, 2023.

³⁰⁰⁷ Hyperlaw, [Government approved National Digital Transformation Policy: what is it](#), August 8, 2023.

³⁰⁰⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a Free, Open and Inclusive Internet, OEA/Ser.L/V/II. IACHR/RELE/INF.17/17, March 15, 2017, para. 6.

³⁰⁰⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 48.

telecommunications operators can only filter or block services or applications on the grounds of a "norm with the rank of Law", which can be considered more protective to the exercise of freedom of expression online because it provides greater protection of the principle of net neutrality. In its Annual Report 2022, the Rapporteurship had warned about the risks of the powers of administrative bodies of the State, as established by the Ministry of Transport and Communications in its Supreme Decree No. 035-2019-MTC, to determine the suspension or blocking of operators and intermediaries of the online space based only on administrative rules, without the need for the rule to have the rank of Law³⁰¹⁰.

1316. Despite this, the Office of the Rapporteur learned that Supreme Decree No. 035-2019-MTC would still be used to require and achieve the blocking of applications by the Ministry of applications that provided motorcycle cab services, considered illegal by the entity³⁰¹¹, although such blocks would have been lifted in sequence³⁰¹². Therefore, RELE encourages that the recently approved Resolution of OSIPTEL may contribute to ensure that blocking and filtering of content "blocking and filtering of content be subject "to a strict judgment of proportionality and be carefully designed and clearly limited in such a way that it does not reach legitimate speech that deserves protection"³⁰¹³.

1317. Finally, the Rapporteurship notes with concern that, by means of Mininter Communiqué No. 04 - 2023, on February 6, 2023, the Peruvian Ministry of the Interior announced the creation of an email address to receive complaints from citizens who "detect that this crime is being committed on social networks" in accordance with Article 216-A of the Criminal Code, which would be sent to the Specialized Public Prosecutor's Office for Terrorism Crimes, headed by Prosecutor Milko A. Ruiz. RELE notes that, in its statement, the Ministry of Interior reaffirmed "its commitment to promote in the country a culture of zero tolerance to terrorism in all its forms" and appealed "to the collaboration of citizens to help identify possible perpetrators of specific cases in which the crime of terrorism is exalted, justified or extolled".

1318. This Office highlights that the communication of the Ministry of the Interior took place in a context where the term "terrorist" was used to stigmatize people who demonstrated against the new government³⁰¹⁴. The creation of the channel by the Ministry of the Interior was rejected by various civil society organizations³⁰¹⁵, which described it as a "measure of criminalization of protest"³⁰¹⁶ and would be concerned that, due to the alleged lack of clarity of the criminal offense of advocacy of terrorism on social networks, "communications made by the Ministry of the Interior invite self-censorship of citizens and harassment on networks"³⁰¹⁷.

³⁰¹⁰ IACHR, Annual Report 2022, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II. Doc. 50, March 6, 2023.

³⁰¹¹ Government of Peru, [MTC requires Internet operators to block DIDI MOTO and PICAP apps](#), August 15, 2023.

³⁰¹² Infobae, [Didi returns to operate in Peru after MTC blocked its services](#), August 30, 2023; RPP, [DiDi announces that its application blockade has been lifted and users can now use the service](#), August 29, 2023.

³⁰¹³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a Free, Open and Inclusive Internet, OEA/Ser.L/V/II. IACHR/RELE/INF.17/17, March 2017, para. 88.

³⁰¹⁴ IACHR, Human Rights Situation in Peru in the Context of Social Protests, OEA/Ser.L/V/II.doc.57/23, April 23, 2023, paras. 221 and 222.

³⁰¹⁵ Hiperderecho (@hiperderecho) X account, [Feb. 7, 2023](#); Wayka, [Gobierno perseguirá 'terrorismo online' con norma fujimorista que atenta contra libertad de expresión](#), Feb. 8, 2023.

³⁰¹⁶ Amnesty International, [We reject measures that contribute to criminalization and undermine freedom of expression](#), September 7, 2023.

³⁰¹⁷ X account of Hyperlaw (@hyperderecho), [February 7, 2023](#).

DOMINICAN REPUBLIC

1319. In 2023, the Office of the Special Rapporteur recorded some cases of violence against journalists in the Dominican Republic. Among the main threats to freedom of expression and freedom of the press documented in 2023 was a case of surveillance of a journalist through Pegasus. There were also reports of alleged human rights violations due to excessive use of police force. On the other hand, RELE highlights State initiatives to improve access to information, guarantee rights and digital inclusion and appropriation.

A. Journalism and democracy

1320. The Rapporteurship notes that the Dominican Republic reached the first place in the Chapultepec index of the Inter American Press Association (IAPA), as it consolidates a favorable trend for the practice of journalism in the country³⁰¹⁸. Despite this, RELE has registered an increase in cases of restrictions to the freedom of expression of journalists, through threats, aggressions and digital surveillance. In July, the communicator Francisco Tavárez denounced that he had received threats from the former minister of the General Directorate of Strategic and Special Projects of the Presidency (Propeep). According to Tavarez, the threats were due to his constant requests about the investigation of alleged corruption cases of the former minister³⁰¹⁹. Other journalists who had reported accusations against the businessman for an alleged drug money laundering network³⁰²⁰ reported having been threatened by a businessman from the city of La Vega³⁰²¹. After the complaint to the Public Prosecutor's Office, there was a conciliation between the parties, culminating in a public apology from the businessman³⁰²², who also promised not to "bother" the journalists³⁰²³.

1321. There was also a case of violence against journalist Rafael Metz, who reported that he was assaulted while filming the extraction of materials from the Yaque del Norte and Guayubin rivers by farm owners³⁰²⁴. Prior to the aggression, Metz managed to film a video in which his attackers ask him to erase the recording, threaten him with death and then beat him down with sticks³⁰²⁵. This Rapporteurship recalls that acts of violence committed against journalists or persons working in the media and that are linked to their professional activity violate the right of these persons to express and impart ideas, opinions and information and also violate the rights of citizens and societies in general to seek and receive information and ideas of any kind.³⁰²⁶

1322. Another situation of concern to this Office is the digital surveillance of journalists. The organization Amnesty International denounced that journalist Nuria Piera was the target of the Pegasus malware, while she was investigating possible acts of corruption of high-ranking government officials and

³⁰¹⁸ Inter American Press Association (IAPA), [Dominican Republic, 79th IAPA General Assembly, November 9 - 12, 2023, Mexico City, Mexico](#), November 2023; Listin Diario, [DR reaches first place in press freedom ranking in IAPA Chapultepec Index](#), November 10, 2023.

³⁰¹⁹ CDN, [Communicator Francisco Tavárez denounces receiving threats from former minister Nency Cabrera](#), 17 July 2023; El nuevo diario, [Communicator Francisco Tavárez denounces: "Nency Cabrera threatens me"](#), 17 July 2023.

³⁰²⁰ Listin Diario, ["Yeni Berenice cita a "Micky" López y a comunicadores que recibieron amenazas](#), 16 July 2023; Ciudadanía RD Media, [Miky López Amenaza a Periodista](#), 12 July 2023.

³⁰²¹ Listin Diario, ["Yeni Berenice cita a "Micky" López y a comunicadores que recibieron amenazas](#), 16 July 2023; Parámetro Nacional, [Yeni Berenice cita a "Micky" López y a tres comunicadores que recibieron amenazas](#), 15 July 2023.

³⁰²² Information sent by the State of the Dominican Republic in response to the request for information from RELE in the framework of the preparation of the Annual Report, MPRD-OAS-0759-2023, Note from the Permanent Mission of the Dominican Republic to the Organization of American States (OAS), October 5, 2023, p.9. Archive of the Office of the Special Rapporteur.

³⁰²³ Diario abierto, [Yaque River predators beat journalist who recorded them extracting materials](#), 01 May 2023; Revista Semanal Digital, [JUSTICE: "Micky" López apologizes to the press from the bottom of his heart](#), 17 July 2023.

³⁰²⁴ Listin Diario, [Depredadores del río Yaque golpean a periodista que los grabó grabó extrayendo materiales](#), 1 May 2023; Por La Línea, [Periodista Rafael Metz denuncia agresión por alegados depredadores](#), 28 April 2023.

³⁰²⁵ Listin Diario, [Depredadores del río Yaque golpean a periodista que los grabó grabó extrayendo materiales](#), 1 May 2023; Ciudadanía RD Media, [Depredadores de los ríos Yaque del Norte y Guayubin agreden periodista en Montecristi](#), 29 April 2023.

³⁰²⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, Violence against journalists and media workers, OEA/Ser.L/V/II. IACHR/RELE/INF. 12/13, December 31, 2013, para. 1; I/A Court H.R., Case of Vélez Restrepo and Family Members v. Colombia, Preliminary Objections, Merits, Reparations and Costs, Judgment of September 3, 2012, Series C No. 248, paras. 142-149.

relatives of the former president of the Dominican Republic³⁰²⁷. Digital surveillance researchers at Amnesty International said that "in a country where journalists and human rights defenders have long reported that surveillance is commonplace, discovering the use of Pegasus should be considered a worrying threat. Given that surveillance poses enormous risks to the physical safety and mental well-being of journalists and can endanger their sources, colleagues, friends and family, the Dominican authorities must immediately investigate this case and put in place effective safeguards to protect these individuals and prevent a recurrence"³⁰²⁸.

1323. According to the allegations, Pegasus not only had access to Piera's phone, but also to the camera, the operator, the data, the geolocation and other functions³⁰²⁹. The journalist commented that "one feels annoyed, indignant, but it is not a surprise, one lives with this neurosis" at the possibility of being spied on³⁰³⁰. On the other hand, the spokesperson of the Presidency denied that the government had links with NSO Group, the company that manages Pegasus³⁰³¹. Amnesty International urged all governments around the world to "immediately ban invasive spyware"³⁰³².

1324. In this regard, the IACHR and its Office of the Special Rapporteur for Freedom of Expression issued a press release in which they expressed their concern and called on the State to conduct a full and thorough investigation of the facts, and to prosecute and punish those responsible. The press release reaffirmed that, as stated in the 2013 Joint Declaration, the use of any surveillance program or system in private communications that exceeds what is stipulated in the law, that is oriented to purposes other than those authorized by law, or those that are carried out clandestinely must be drastically sanctioned³⁰³³.

1325. The Office of the Special Rapporteur recalls that, by virtue of the close relationship between freedom of expression and privacy, States must avoid implementing any measure that restricts, in an arbitrary or abusive manner, the privacy of individuals, understood in a broad sense as any space of intimacy and anonymity, free from intimidation and reprisals, and necessary for an individual to freely form an opinion and express his ideas as well as to seek and receive information, without being forced to identify himself or to reveal his beliefs and convictions or the sources he consults³⁰³⁴. However, both regionally and universally, it is recognized that surveillance practices and the unlawful or arbitrary interception and collection of personal data not only affect the right to privacy and freedom of expression, but may also be contrary to the precepts of a democratic society³⁰³⁵.

1326. The State affirmed that, according to the organization Reporters Without Borders³⁰³⁶, there has been a decrease in verbal and physical attacks against journalists in recent years, and also reported that, as of September 11, 2023, no journalist had been murdered in the Dominican Republic and no journalists had been detained. It also reported that the use of the penal system and imprisonment of journalists who denounce matters of public interest are reduced, and appropriate legal and procedural measures have been taken³⁰³⁷.

³⁰²⁷ LatAm Journalism Review, [Dominican Republic: Pegasus spyware discovered on journalist's phone, first confirmed case in the country](#), May 03, 2023; Red en Defensa de los Derechos Digitales, [Dominican Republic journalist was spied on with Pegasus, denounces Amnesty International](#), May 5, 2023.

³⁰²⁸ Amnesty International, [Dominican Republic: Pegasus spyware discovered on phone of prominent journalist](#), 03 May 2023; R3D, [Dominican Republic journalist spied on with Pegasus, denounces Amnesty International](#), May 5, 2023.

³⁰²⁹ Diario Libre, [Experto detalló el alcance de la filtración de Pegasus en el teléfono de Nuria Piera](#), 4 May 2023; La Información, [Nuria Piera fue espiada por programa Pegasus](#), 3 May 2023.

³⁰³⁰ Listin Diario, [Nuria Piera after Pegasus spying: "It is not a surprise, one lives with that neurosis"](#), May 3, 2023.

³⁰³¹ Acento, [Government clarifies that it has no links with NSO Group, company that handles Pegasus spyware](#), May 3, 2023.

³⁰³² Amnesty International, [Mass surveillance: All states must immediately ban invasive spyware](#), June 5, 2023.

³⁰³³ IACHR, Office of the Special Rapporteur for Freedom of Expression, [IACHR and RELE: República Dominicana debe investigar espionaje a través de Pegasus a periodista de investigación](#), Press Release No. 106/23, June 1, 2023.

³⁰³⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 132.

³⁰³⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a free, open and inclusive internet, OEA/Ser.L/V/II IACHR/RELE/INF.17/17, March 15, 2017, para. 212.

³⁰³⁶ Reporters Without Borders, [Dominican Republic](#).

³⁰³⁷ Information sent by the State of the Dominican Republic in response to the request for information from RELE in the framework of the preparation of the Annual Report, MPRD-OEA-0759-2023, Note from the Permanent Mission of the Dominican Republic to the OAS, October 5, 2023, p.9. Archive of the Office of the Special Rapporteur.

B. Freedom of expression, rule of law and democratic institutions

1327. According to available information, the institutions that make up the communication team of the Government of the Dominican Republic have obtained a score of 100 in their practices of free access to public information, according to the Directorate of Transparency and Open Government³⁰³⁸. The Inter American Press Society pointed out as positive the initiative of the President to sanction official institutions that did not comply with the Law of Access to Public Information and to give a deadline for others to improve their levels of compliance in the transparency index³⁰³⁹.

1328. In February, the new Organic Law of Electoral Regime was enacted, which aims to regulate the exercise of the right of citizenship in the country, while also addressing the rights to elect and be eligible, the procedure and development of the electoral process for the conformation of the Executive Power, the Legislative Power and the election of municipal authorities, and the operation and competencies of the Central Electoral Board (JCE)³⁰⁴⁰. The State affirmed that this institution has already carried out some actions for the training of related sectors and human resources of the JCE, in addition to bringing services closer to the citizens, such as the inauguration of new service centers in commercial plazas and new delegations in medical centers and hospitals³⁰⁴¹.

1329. Also, in March, the Consultative Commission for the Law on Freedom of Expression and the Media opened a period to receive proposals for the draft bill which seeks to reform Law 61-32 on Freedom of Expression and the Media³⁰⁴². The new law includes rights such as access to the Internet and freedom of expression without prior authorization or censorship, and the creation of a National Institute of Audiovisual Communication which would replace the National Commission of Public Entertainment and Radio³⁰⁴³. In addition, the regulation of content in the audiovisual media with respect to the rights of children, programming schedules, the image of women, the production of national culture and the effective protection of freedom of expression in administrative proceedings and the strengthening of participation and pluralism³⁰⁴⁴.

1330. Regarding social protests, RELE learned of reports on alleged excesses in the use of public force during social demonstrations carried out by leaders of the Dominican Liberation Party (PLD), in front of its premises, in the National District, in March³⁰⁴⁵. Also in March, incidents were reported during a demonstration organized by opposition sympathizers in protest against a corruption case. According to the reports received, the demonstrators allegedly threw stones at the building of the Palace of Justice in Santo Domingo and the police responded with tear gas³⁰⁴⁶.

1331. For its part, the State affirmed that specialized training has been reinforced for public officials involved in the criminal justice system, in terms of the obligation and guarantee of compliance with human

³⁰³⁸ CDN, [DIECOM scored 100 in open access to information practices](#), June 28, 2023; El Caribe, [DIECOM reports scored 100 in open access to information practices](#), June 28, 2023.

³⁰³⁹ Inter American Press Association, [Dominican Republic: Report to the Mid-Year Meeting 2023](#), April 2023.

³⁰⁴⁰ Listin Diario, [Abinader promulga la nueva Ley Orgánica de Régimen Electoral](#), 19 February 2023; Hoy, [Diputados convierten en ley proyecto de Régimen Electoral](#), 13 February 2023.

³⁰⁴¹ Information sent by the State of the Dominican Republic in response to RELE's request for information in the framework of the preparation of the Annual Report, MPRD-OAS-0759-2023, Note from the Permanent Mission of the Dominican Republic to the Organization of American States (OAS). October 5, 2023, p.15. Archive of the Office of the Special Rapporteur.

³⁰⁴² Acento, [Abren plazo para recibir propuestas para Ley de Libertad de Expresión y Medios de Comunicación](#), 13 March 2023; Diario Libre, [Proyecto plantea la sustitución de Espectáculos Públicos por el Instituto de las Comunicaciones](#), 2 March 2023.

³⁰⁴³ El Caribe, [Tratan anteproyecto que busca sustituir la obsoleta Ley 6132](#), February 21, 2023; El Nacional, [Expertos trabajan en Código sobre Libre Expresión](#), February 22, 2023.

³⁰⁴⁴ Diario Libre, [Proyecto plantea la sustitución de Espectáculos Públicos por el Instituto de las Comunicaciones](#), 2 March 2023; Páágina Uno.Do, [Anteproyecto plantea sustitución de la Comisión Nacional de Espectáculos Públicos y Radiofonía por otro organismo](#), 2 March 2023; El Caribe, [Tratan anteproyecto que busca sustituir la obsoleta Ley 6132](#), 21 February 2023.

³⁰⁴⁵ Hoy, [Fuerza del Pueblo condemns police action against peaceful PLD protest](#), 26 March 2023; Diario Libre, [FP condemns "police aggression" against "peaceful" PLD protest](#), 26 March 2023.

³⁰⁴⁶ Deutsche Welle (DW), [Dominican R. records protests after "Operation Calamar."](#) March 21, 2023; Resumen Latinoamericano, [Dominican Republic. Protests leave deputy injured and damage to Palace of Justice](#), 21 March 2023; Acento, [Operation Calamar: Dominican ex-ministers detained for alleged corruption cases](#), 20 March 2023; Rfi, [Operation Calamar: Dominican ex-ministers detained for alleged corruption cases](#), 20 March 2023.

rights and the use of force, reinforcing the capacities and knowledge concerning criminal, civil and administrative responsibilities generated from the exercise of public functions³⁰⁴⁷.

1332. This Office recalls that social protest, which includes the rights of peaceful and unarmed assembly, association and freedom of expression, is a fundamental tool in the defense of democracy and human rights and therefore it is the duty of the State to guarantee its free exercise³⁰⁴⁸. Likewise, RELE reiterates that, in the framework of the Inter-American Human Rights System, the use of force is understood as "a last resort that, qualitatively and quantitatively limited, aims to prevent an event of greater gravity than that which provokes the state reaction"³⁰⁴⁹.

C. Freedom of expression and the fight against discrimination and exclusion

1333. According to information provided by the State, the Gender Equity Office (OEG) has been implementing actions aimed at ensuring equal opportunities and promoting non-discrimination in everything the Central Electoral Board does, guaranteeing a human rights approach in the services offered to citizens, as well as in the participation in the political and electoral processes of the country³⁰⁵⁰. In addition, it has worked to mainstream gender equity in the normative and institutional processes, ensure the equitable participation of men and women in the electoral processes, mainstream inclusion (persons with disabilities) in the normative and institutional processes, promote inclusion and gender equity in the Electoral Boards and electoral colleges, and improve access and encourage the participation of persons with disabilities in the electoral processes³⁰⁵¹.

1334. The State also affirmed that the regulatory framework for persons with disabilities includes resources to ensure accessibility in communication and freedom of expression for persons with disabilities³⁰⁵², and noted that digital accessibility and freedom of expression for vulnerable groups, such as the elderly and persons with some type of disability, is necessary, and the creation of policies and regulations against online discrimination, violation of rights, education and awareness of users in the use of technology and personal data security in order to prevent, as well as to generate support resources for victims of online discrimination, which also include legal and psychological counseling³⁰⁵³. RELE recalls that Internet access is a sine qua non condition for the effective exercise of human rights³⁰⁵⁴.

1335. Finally, the State recognizes that, within the framework of the right to freedom of expression, some speeches could qualify as hate speech, or in other cases help perpetuate harmful stereotypes that promote discrimination against certain groups of people, especially women, adolescents and girls, even inadvertently, which allows them to be integrated and appreciated in the public dialogue, generating the effect of stigmatizing or revictimizing, contributing to the validation of violence and entrenched discrimination

³⁰⁴⁷ Information sent by the State of the Dominican Republic in response to RELE's request for information in the framework of the preparation of the Annual Report, MPRD-OAS-0759-2023, Note from the Permanent Mission of the Dominican Republic to the OAS, October 5, 2023, p.14. Archive of the Office of the Special Rapporteur.

³⁰⁴⁸ Human Rights Council. Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai. A/HRC/20/27. Para. 12.

³⁰⁴⁹ IACHR. Office of the Special Rapporteur for Freedom of Expression. Protest and Human Rights. OEA/Ser.L/V/II IACHR/RELE/INF.22/19. September 2019. Para. 102.

³⁰⁵⁰ Information sent by the State of the Dominican Republic in response to RELE's request for information in the framework of the preparation of the Annual Report, MPRD-OAS-0759-2023, Note from the Permanent Mission of the Dominican Republic to the OAS, October 5, 2023, p.19. Archive of the Office of the Special Rapporteur.

³⁰⁵¹ Information sent by the State of the Dominican Republic in response to RELE's request for information in the framework of the preparation of the Annual Report, MPRD-OAS-0759-2023, Note from the Permanent Mission of the Dominican Republic to the OAS, October 5, 2023, p.20. Archive of the Office of the Special Rapporteur.

³⁰⁵² Information sent by the State of the Dominican Republic in response to RELE's request for information in the framework of the preparation of the Annual Report, MPRD-OAS-0759-2023, Note from the Permanent Mission of the Dominican Republic to the OAS, October 5, 2023, p.30. Archive of the Office of the Special Rapporteur.

³⁰⁵³ Information sent by the State of the Dominican Republic in response to RELE's request for information in the framework of the preparation of the Annual Report, MPRD-OEA-0759-2023, Note from the Permanent Mission of the Dominican Republic to the OAS, October 5, 2023, p.35, 36.

³⁰⁵⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a Free, Open and Inclusive Internet. OEA/Ser.L/V/II IACHR/RELE/INF.17/17, March 15, 2017, para. 32.

against women³⁰⁵⁵. For this reason, it drafted the Comprehensive Bill for the Attention, Punishment, Eradication and Reparation of Violence against Women, which is on the eve of legislative study, and introduces responsibilities of the media for the prevention and eradication of violence against women³⁰⁵⁶.

1336. The United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, "[u]nder international human rights law, limiting 'hate speech' appears to require reconciling two sets of values: the requirements of democratic society to allow for open debate and individual autonomy and development, with the equally compelling obligation to prevent attacks against vulnerable communities and to ensure the equal and non-discriminatory participation of all persons in public life (...). Freedom of expression, the rights to equality and to life, and the obligation of non-discrimination are mutually reinforcing"³⁰⁵⁷. This Office considers it essential that States adopt positive measures in relation to the right to freedom of expression and citizen participation of groups historically excluded from public debate, such as women, LGBT+ persons, indigenous peoples, among others.

1337. Despite this, after reports of increased racism and xenophobia in the Dominican Republic³⁰⁵⁸, the United Nations High Commissioner invited the Dominican Republic to "redouble its efforts" to prevent xenophobia, racial, ethnic and migratory discrimination, especially racial discrimination against people of Haitian origin in a situation of human mobility and their descendants³⁰⁵⁹, including cases of detention and deportation of pregnant and postpartum Haitian women³⁰⁶⁰. Along the same lines, the IACHR urged the State to eradicate statelessness, noting cases of intergenerational statelessness in children born to mothers and fathers in an irregular migratory situation, without the right to Dominican nationality; it also reinforced that the cycle of exclusion and marginalization of statelessness prevents access to human rights for several generations³⁰⁶¹.

D. Freedom of expression and the Internet

1338. The State reported progress in digital governance, which was established as a priority in the country, with the approval of the Digital Agenda 2030 (AD2030) in August 2021, which incorporates the Human Rights approach, thus ensuring the protection of freedom of expression in digital environments and other fundamental rights³⁰⁶². According to data presented by the Government, from the Global Digital Report 2022 prepared by Hootsuite and We Are Social, in the Dominican Republic, which has a population of approximately 11 million people, 79.8% of the total population is an internet user, while 69.1% is a user of

³⁰⁵⁵ Information sent by the State of the Dominican Republic in response to RELE's request for information in the framework of the preparation of the Annual Report, MPRD-OAS-0759-2023, Note from the Permanent Mission of the Dominican Republic to the OAS, October 5, 2023, p.32. Archive of the Office of the Special Rapporteur.

³⁰⁵⁶ Information sent by the State of the Dominican Republic in response to RELE's request for information in the framework of the preparation of the Annual Report, MPRD-OAS-0759-2023, Note from the Permanent Mission of the Dominican Republic to the OAS, October 5, 2023, p.32. Archive of the Office of the Special Rapporteur.

³⁰⁵⁷ UN, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/74/486, 9 October 2019, para. 4.

³⁰⁵⁸ #XenofobiaCero and IOM (UN Migration), [Migration and Xenophobia Conversation Report. Dominican Republic](#), April 1, 2020 to April 1, 2021.

³⁰⁵⁹ Ciudadanía RD Media, [United Nations High Commissioner invites Dominican Republic to increase its efforts to prevent xenophobia, racial, ethnic and migratory discrimination](#), 2 May 2023; 7 días, [ONU denuncia en RD prevalece xenofobia, discriminación racial, étnica y migratoria](#), 1 May 2023.

³⁰⁶⁰ UN, [Dominican Republic: UN experts condemn the detention and deportation of pregnant and postpartum Haitian women](#), September 12, 2023

³⁰⁶¹ IACHR, [Dominican Republic: IACHR Urges the State to Eradicate Statelessness](#), Press Release No. 232/23, September 29, 2023.

³⁰⁶² Information sent by the State of the Dominican Republic in response to RELE's request for information in the framework of the preparation of the Annual Report, MPRD-OAS-0759-2023, Note from the Permanent Mission of the Dominican Republic to the OAS, October 5, 2023, p.25. Archive of the Office of the Special Rapporteur.

social networks, and connections to social networks are mostly made from cell phones, which visualizes the importance and relevance of social networks in the life of Dominicans³⁰⁶³.

1339. The State still recognizes that there are significant problems in terms of digital inclusion and appropriation, and that variables such as gender, geographic location, age, race or ethnicity, sexual orientation and identity, and disabilities, among others, affect the process of digital access and appropriation. These problems affect all individuals or certain groups in vulnerable situations, reducing the effectiveness and exercise of rights³⁰⁶⁴.

1340. RELE recalls that the principle of universal access "refers to the need to ensure universal, ubiquitous, equitable, truly affordable and adequate quality connectivity and access to Internet infrastructure and ICT services throughout the territory of the State"³⁰⁶⁵.

1341. The State recognized the challenges arising from the COVID-19 pandemic, related to disinformation through the networks, mainly about fake news and disinformation, which mainly affected vulnerable groups. In addition, it can be highlighted the high growth rate of crimes and offenses, in which social networking platforms are used as a channel, such as cyberbullying, online fraud and scams, phishing, identity theft, discrimination and hate speech on networks³⁰⁶⁶.

1342. The Rapporteurship reiterates that the laws and policies regarding the validity, nature, scope, and implementation of interception and monitoring mechanisms must be public and the State is obliged to apply the principle of maximum disclosure developed in the framework of the right of access to information³⁰⁶⁷. At the same time, the Rapporteurship has reiterated that "the authorities should encourage educational measures aimed at promoting the ability of all persons to make autonomous, independent and responsible use of the Internet and digital technologies", a set of processes known as digital literacy, which should be oriented towards the development of civic skills in the perspective of democratic coexistence and with a human rights approach³⁰⁶⁸.

³⁰⁶³ Information sent by the State of the Dominican Republic in response to RELE's request for information in the framework of the preparation of the Annual Report, MPRD-OAS-0759-2023, Note from the Permanent Mission of the Dominican Republic to the OAS, October 5, 2023, p.26. Archive of the Office of the Special Rapporteur.

³⁰⁶⁴ Information sent by the State of the Dominican Republic in response to RELE's request for information in the framework of the preparation of the Annual Report, MPRD-OAS-0759-2023, Note from the Permanent Mission of the Dominican Republic to the OAS, October 5, 2023, p.27. Archive of the Office of the Special Rapporteur.

³⁰⁶⁵ IACHR, Annual Report 2013, Report of the Office of the Special Rapporteur for Freedom of Expression, Chapter IV (Freedom of Expression and the Internet), OEA/Ser.L/V/II.149. Doc. 50, December 31, 2013, para. 16; Organization of American States, Sixth Summit of the Americas. April 14-15, 2012, Cartagena de Indias, Colombia, Mandates arising from the Sixth Summit of the Americas, May 23, 2012, OEA/Ser.E CA-VI/doc.6/12 Rev.2. access to and use of information and communications technologies, paras. 1-4.

³⁰⁶⁶ Information sent by the State of the Dominican Republic in response to RELE's request for information in the framework of the preparation of the Annual Report, MPRD-OAS-0759-2023, Note from the Permanent Mission of the Dominican Republic to the OAS, October 5, 2023, p.27. Archive of the Office of the Special Rapporteur.

³⁰⁶⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a free, open and inclusive internet, OEA/Ser.L/V/II IACHR/RELE/INF.17/17. March 15, 2017, para. 218.

³⁰⁶⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a free, open and inclusive internet, OEA/Ser.L/V/II IACHR/RELE/INF.17/17. March 15, 2017, para. 6.

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1343. In 2023, the Office of the Special Rapporteur observed progress in the area of freedom of expression. In particular, the Rapporteurship recorded the strengthening of the Media Association of St. Kitts and Nevis, active for the first time in 15 years, and its presence in the executive committee of the Caribbean Media Workers Association. Likewise, and hand in hand with this strengthening, the Rapporteurship recorded the training of national media workers through workshops organized by these two institutions, as well as support for investigative journalism in the country through the Caribbean Investigative Journalism Network. In addition, this Office recorded at least six press conferences of the Prime Minister and his cabinet with local media, which would represent an improvement compared to previous years. However, RELE received reports suggesting that the media would continue to face economic difficulties due to the consequences of COVID-19 and the presumed cancellation of official advertising, which would mean that they would not have the necessary personnel to carry out their work. Another obstacle to their work would be the restrictive laws, especially those related to defamation and the self-censorship effect they would have within the guild. On the other hand, the Rapporteurship was informed of the approval of at least four laws with the potential to strengthen transparency, accountability and freedom of expression: the Anti-Corruption Act, the Freedom of Information Amendment Act, the Freedom of Information Amendment Act, and the Official Gazette Act; other bills that would impact these three areas would include the Whistleblower Protection Act and the Unauthorized Disclosure of Official Information Act. In terms of the fight against discrimination and exclusion, RELE recorded the appointment of women to high State positions, the recognition of *Rastafari* rights, as well as reflections in the public debate on the legacy of colonization, slavery and discrimination. Finally, with respect to the Internet, this Office was informed of technology transfer and training in the ICT sector, as well as the provision of laptops to students and workshops to promote their digital literacy and that of their teachers and parents. However, this Office also received reports suggesting a significant increase in the number of online scams.

A. Journalism and democracy

1344. According to the latest *Freedom House* ranking, freedom of expression in St. Kitts and Nevis is constitutionally guaranteed and the authorities generally respect freedom of the press and academic freedom.³⁰⁶⁹ However, the country would have only one local television station owned by the State, so the opposition could face barriers in its access.³⁰⁷⁰ As in other Caribbean countries, although less and less, defamation would continue to be a criminal offense leading to a prison sentence, so there could have been episodes of self-censorship within the media.³⁰⁷¹ Likewise, freedom of association and assembly would be constitutionally guaranteed and would be respected in practice by the authorities.³⁰⁷²

1345. During the course of the year, RELE recorded the re-emergence of the *Media Association of St. Kitts and Nevis* after 15 years of inactivity.³⁰⁷³ As explained by its president, journalist Andre Huie, the association would have been formally re-registered in April 2022 and would have grown in membership.³⁰⁷⁴ Part of the initiatives promoted by the association would include the distribution of press cards to its members so that they are formally recognized by the national authorities, even if they are not directly employed by a media outlet.³⁰⁷⁵ Huie also reportedly explained that he intended to build a training agenda because of the challenges that media workers would face in terms of defamation threats and adherence to journalistic standards.³⁰⁷⁶ According to Huie, the last training of 2022 would have been developed between September and

³⁰⁶⁹ Freedom House, [Freedom in the World 2023: St. Kitts and Nevis](#), June 21, 2023.

³⁰⁷⁰ Freedom House, [Freedom in the World 2023: St. Kitts and Nevis](#), June 21, 2023.

³⁰⁷¹ Freedom House, [Freedom in the World 2023: St. Kitts and Nevis](#), June 21, 2023.

³⁰⁷² Freedom House, [Freedom in the World 2023: St. Kitts and Nevis](#), June 21, 2023.

³⁰⁷³ SKN Newslines, [Active 2023 Agenda for Media Association of St. Kitts and Nevis](#), March 16, 2023; SKN Vibes, [\[Press Release\] Media Association SKN](#), March 30, 2023.

³⁰⁷⁴ SKN Newslines, [Active 2023 Agenda for Media Association of St. Kitts and Nevis](#), March 16, 2023; SKN Vibes, [\[Press Release\] Media Association SKN](#), March 30, 2023.

³⁰⁷⁵ SKN Newslines, [Active 2023 Agenda for Media Association of St. Kitts and Nevis](#), March 16, 2023; SKN Vibes, [\[Press Release\] Media Association SKN](#), March 30, 2023.

³⁰⁷⁶ SKN Newslines, [Active 2023 Agenda for Media Association of St. Kitts and Nevis](#), March 16, 2023; SKN Vibes, [\[Press Release\] Media Association SKN](#), March 30, 2023.

November, in partnership with *Hope Economics*, to address the coverage of economic and business issues in the country and the region.³⁰⁷⁷

1346. Additionally, the Rapporteurship was informed that the president of the St. Kitts and Nevis Media Association, Andre Huie, was reportedly nominated and elected to the executive for 2023-2025 of the *Association of Caribbean Media Workers (ACM)* at the 11th biennial general assembly in Georgetown, Guyana, on March 12, 2023; Huie would be the only representative from St. Kitts and Nevis on the *ACM*.³⁰⁷⁸ The journalist reportedly expressed his hope that "this election will facilitate an enhanced relationship and access to the *MCL* by the St. Kitts and Nevis Media Association."³⁰⁷⁹

1347. This Office also received the country report to the Association of Caribbean Media Workers, submitted by journalist Jermin Abel, second vice-president of the Media Association of St. Kitts and Nevis. In said report, the journalist reportedly explained that the media in the country have recently faced problems due to the cancellation of official advertising due to the alleged dissatisfaction of the government with the coverage of its administration; the lack of access to official information, including public employees and elected officials; and the fear of reprisals due to restrictive laws such as the defamation law.³⁰⁸⁰ The journalist also reportedly stated in his report that the media would continue to be impacted by COVID-19. According to Abel, some media outlets would have had to reduce their staff during the pandemic and would not have the resources to hire more reporters.³⁰⁸¹ Abel also reportedly explained that the efforts of the Media Association of St. Kitts and Nevis would be aimed at meeting with members of the public sector and the police to make them aware of the role and importance of the media and to allow them to do their job.³⁰⁸²

1348. In the framework of World Press Freedom Day, the Special Rapporteurship learned that the *Media Association of St. Kitts and Nevis* reportedly organized a training on "media and the law."³⁰⁸³ The training was reportedly attended, on the part of the State, by Justice Kathy Ann Waterman-Latchoo, Garth Wilkin, attorney general, Cromwell Henry, deputy commissioner of police, and Jihan Williams, of the intellectual property office.³⁰⁸⁴ On behalf of the press corps, Wesley Gibbings, vice president of the *Media Institute of the Caribbean*, Zahra Burton, executive director of *Global Reporters for the Caribbean*, and Jamiella McPhail, communications director of the Media Association of St. Kitts and Nevis, reportedly participated.³⁰⁸⁵ According to available information, the event would have consisted of virtual and face-to-face presentations and discussions on defamation legislation, the ways in which such laws impact the way in which reporters must perform their duties, intellectual property regulations, and strategies for crime reporting, among others.³⁰⁸⁶

1349. Likewise, on World Press Freedom Day, the Rapporteurship received the statement issued by the Media Association of St. Kitts and Nevis. In its communiqué, the association reportedly stated the challenge posed by the "rapid spread of disinformation" on social networks, which "increases the importance of traditional media that are governed by the standards and ethics of good journalism," and for which it would be

³⁰⁷⁷ SKN Newline, [Active 2023 Agenda for Media Association of St. Kitts and Nevis](#), March 16, 2023; SKN Vibes, [\[Press Release\] Media Association SKN](#), March 30, 2023.

³⁰⁷⁸ SKN Newline, [SKN representing on Regional Media Association](#), March 14, 2023; MATT, [MATT attends 11th ACM Biennial General Assembly](#), March 15, 2023.

³⁰⁷⁹ SKN Newline, [SKN representing on Regional Media Association](#), March 14, 2023; Antigua Observer, [President of the Media Association of St. Kitts and Nevis Elected to ACM Executive](#), March 15, 2023.

³⁰⁸⁰ WINN FM, [SKN Media Association President elected to 2023-2025 ACM Executive](#), March 14, 2023.

³⁰⁸¹ WINN FM, [SKN Media Association President elected to 2023-2025 ACM Executive](#), March 14, 2023.

³⁰⁸² WINN FM, [SKN Media Association President elected to 2023-2025 ACM Executive](#), March 14, 2023.

³⁰⁸³ Association of Caribbean Media Workers (@acmediaworkers) X account, [April 28, 2023](#); VON Radio, [Media Association of St. Kitts and Nevis host Media and the Law workshop](#), May 4, 2023.

³⁰⁸⁴ Association of Caribbean Media Workers (@acmediaworkers) X account, [April 28, 2023](#); VON Radio, [Media Association of St. Kitts and Nevis host Media and the Law workshop](#), May 4, 2023.

³⁰⁸⁵ Association of Caribbean Media Workers (@acmediaworkers) X account, [April 28, 2023](#); VON Radio, [Media Association of St. Kitts and Nevis host Media and the Law workshop](#), May 4, 2023.

³⁰⁸⁶ Twitter account of the Association of Caribbean Media Workers (@acmediaworkers), [April 28, 2023](#); VON Radio, [Media Association of St. Kitts and Nevis host Media and the Law workshop](#), May 4, 2023; U.S. Embassy in Barbados, the Eastern Caribbean, and the OECS, [U.S. Embassy Marks World Press Freedom Day with Week-Long Activities](#), May 3, 2023.

seeking to "improve the level of journalism in the Federation [of St. Kitts and Nevis]."³⁰⁸⁷ The association reportedly called for educating the public "about the role of the media and the responsibilities of freedom of expression." Finally, the association would have reminded the government of its "responsibility to create and maintain an enabling environment that fosters responsible freedom of expression and transparency," adding that it would monitor the legislative agenda for 2023 to "ensure that laws are passed that can help foster this environment."³⁰⁸⁸

1350. This Office welcomes the efforts of media workers' associations to advocate for press freedom in their countries and regions, monitor and evaluate progress, as well as their role in training their members. In response to the issues raised by the Media Association of St. Kitts and Nevis, the Rapporteurship would like to reiterate that States should ensure that civil defamation laws are tailored to provide greater protection for expression on politics and other matters of public interest, including by requiring politicians and public officials to tolerate a higher level of criticism than ordinary citizens.³⁰⁸⁹ The authorities should also ensure that damages awards are proportionate, taking into account all the circumstances, and that they are not so large as to have a chilling effect on freedom of expression.³⁰⁹⁰ On the other hand, this Office reiterates that States should guarantee the existence of mechanisms, such as accreditation systems, so that journalists can freely access venues and events to gather information on matters of public interest in order to inform the public.³⁰⁹¹ With respect to official advertising, the Rapporteurship reiterates that governments and public bodies should never abuse their stewardship of public finances to try to influence the content of media reporting.³⁰⁹²

1351. Throughout 2023, RELE recorded the publication of investigative journalism through the *Caribbean Investigative Journalism Network (CIJN)*. In May, *CIJN* reportedly published an investigation into the possible irregular awarding of public contracts and the lack of effective anti-corruption legislation.³⁰⁹³ In July, a report was reportedly published on the country's food security challenges due to its dependence on imported food and initiatives to strengthen the domestic agricultural sector.³⁰⁹⁴ In July, an investigation was presented on the drop in child vaccination rates as a consequence of the COVID-19 pandemic and the public health challenges this could pose.³⁰⁹⁵ Finally, in September, *CIJN* reportedly presented an investigation into the increase in online fraud, including the use of *phishing emails*, credit and debit card hacks, direct contact on social networks and commercial scams, among others.³⁰⁹⁶

1352. Finally, this Office learned that statements were made to the national media, as well as press conferences and interviews during the course of the year, broadcast live on the Prime Minister's social networks. In particular, the Rapporteurship recorded a statement on January 18 on the state of the health system;³⁰⁹⁷ an interview with the Prime Minister on March 2 in which three reporters raised questions regarding the financing of new hospitals, the state of health in police stations, infrastructure projects showing delays, as well as the deportation of Haitian migrants;³⁰⁹⁸ an interview with three reporters on April 19 addressing issues such as the increase in the influx of migrants, the investment of profits from the citizenship by investment program, and the status of investigations into nine homicides;³⁰⁹⁹ a press conference on May 18

³⁰⁸⁷ Winn FM, [\[Press Release\] Statement from the Media Association of St. Kitts and Nevis on the occasion of World Press Freedom Day](#), May 3, 2023.

³⁰⁸⁸ Winn FM, [\[Press Release\] Statement from the Media Association of St. Kitts and Nevis on the occasion of World Press Freedom Day](#), May 3, 2023.

³⁰⁸⁹ OAS, UN, OSCE, ACHPR, Joint Declaration on Political Leaders, Public Officials and Freedom of Expression, 2021.

³⁰⁹⁰ OAS, UN, OSCE, ACHPR, Joint Declaration on Political Leaders, Public Officials and Freedom of Expression, 2021.

³⁰⁹¹ OAS, UN, OSCE, ACHPR, Joint Declaration on Political Leaders, Public Officials and Freedom of Expression, 2021.

³⁰⁹² OAS, UN, OSCE, Joint Declaration on Freedom of Expression and Administration of Justice, Commercialization and Freedom of Expression, and Criminal Defamation, 2002.

³⁰⁹³ Caribbean Investigative Journalism Network, [Procurement, Special Projects and Citizenship By Investment](#), May 31, 2023.

³⁰⁹⁴ Caribbean Investigative Journalism Network, [St Kitts and Nevis - Ripening Plans in the Agriculture Sector - Facing Food Security Challenges](#), July 16, 2023.

³⁰⁹⁵ Caribbean Investigative Journalism Network, [Pandemic-era Dip in Childhood Vax Rates Sparks Concern](#), August 27, 2023.

³⁰⁹⁶ Caribbean Investigative Journalism Network, [Online Fraud in St. Kitts and Nevis, a Pervasive Problem for Public Law Enforcement and Banks](#), September 13, 2023.

³⁰⁹⁷ Prime Minister's Office St. Kitts and Nevis, [Prime Minister's Statement to the Press](#), January 18, 2023.

³⁰⁹⁸ Prime Minister's Office St. Kitts and Nevis, [Special Interview with the Prime Minister on key matters of national importance](#), March 2, 2023.

³⁰⁹⁹ Prime Minister's Office St. Kitts and Nevis, [The Roundtable - A special interview with Prime Minister Drew](#), April 19, 2023.

in which reports reportedly inquired about the status of the construction of housing and a new center for the arts, the entry into force of the freedom of information law and the restrictions it would impose on the dissemination of private contracts;³¹⁰⁰ a press conference on July 13 with the cabinet in which reporters reportedly inquired about problems in the water supply, infrastructure projects for tourism, and labor rights of public employees;³¹⁰¹ and finally a roundtable-style interview with five journalists on August 31, addressing issues such as the development bank, the social security system, and regional air transport, among others.³¹⁰²

1353. The Office of the Special Rapporteur recalls that at press conferences, political leaders and public officials should treat participants with respect and ensure that they have an equal opportunity to ask questions.³¹⁰³

B. Freedom of expression, rule of law and democratic institutions

1354. In early 2023, the Special Rapporteur was informed of the government's decision to introduce four reforms to foster "good governance" and "strengthen transparency and accountability."³¹⁰⁴ According to the government, these would be the *Anti-corruption Bill*, the *Freedom of Information Amendment Bill*, the *Integrity in Public Life Amendment Bill*, and the *Official Gazette Bill*.³¹⁰⁵ The two bills with amendments would have been passed in 2013 and 2018 by the previous administration, although the latter would not have become fully operational, according to available information and what has been documented by this Office in previous years.³¹⁰⁶

1355. According to information released by the *St. Kitts and Nevis Information Service (SKIN)*, the National Assembly would have passed the *Gazette Bill* on February 8, 2023, while the other three bills, the *Anti-Corruption Bill*, the *Freedom of Information Amendment Bill*, and the *Integrity in Public Life Amendment Bill*, would have been passed on February 22, 2023.³¹⁰⁷

1356. The *Official Gazette Bill 2023 [Official Gazette Bill 2023]* would have been passed to move the official state gazette to the Internet, through the digitization of past and future editions to "improve public access" and "promote transparency."³¹⁰⁸ According to the Attorney General, the official gazette is an official publication of the State that lists the actions and decisions of the government, so it is also a source of information on various matters emanating from the public and private sectors.³¹⁰⁹ This law would also be part of a government strategy to increase and improve the availability of its online services.³¹¹⁰

1357. The *Anti-corruption Bill*, passed in late February 2023, would have as its purpose "to define and criminalize offenses of corrupt conduct and to create the office of a Special Prosecutor to receive

³¹⁰⁰ Prime Minister's Office St. Kitts and Nevis, [Prime Minister's Press Conference](#), May 18, 2023.

³¹⁰¹ Prime Minister's Office St. Kitts and Nevis, [Prime Minister's Press Conference with Cabinet Ministers](#), July 13, 2023.

³¹⁰² Prime Minister's Office St. Kitts and Nevis, [The Roundtable - A special interview with Prime Minister Drew and the media](#), August 31, 2023.

³¹⁰³ OAS, UN, OSCE, ACHPR, Joint Declaration on Political Leaders, Public Officials and Freedom of Expression, 2021.

³¹⁰⁴ St. Kitts and Nevis Information Service, [St. Kitts and Nevis' Good Governance Draft Legislation Goes to Parliament on February 8](#), January 19, 2023; Ministry of Sustainable Development of St. Kitts and Nevis, [Voluntary National Review of the 2030 Agenda for Sustainable Development](#), June 2023.

³¹⁰⁵ St. Kitts and Nevis Information Service, [St. Kitts and Nevis' Good Governance Draft Legislation Goes to Parliament on February 8](#), January 19, 2023.

³¹⁰⁶ St. Kitts and Nevis Information Service, [Government working to 'give teeth' to critical legislation such as Integrity in Public Life, Anti-Corruption, and Freedom of Information](#), December 15, 2022; IACHR, Annual Report 2022, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50, March 6, 2023, para. 1166.

³¹⁰⁷ St. Kitts and Nevis Information Service, [Key Bills Passed in the National Assembly to Further Strengthen St. Kitts and Nevis' Good Governance Agenda](#), March 3, 2023.

³¹⁰⁸ St. Kitts and Nevis Information Service, [Government of St. Kitts and Nevis Gazettes to Move Online Following Parliamentary Approval](#), February 8, 2023.

³¹⁰⁹ St. Kitts and Nevis Information Service, [Government of St. Kitts and Nevis Gazettes to Move Online Following Parliamentary Approval](#), February 8, 2023.

³¹¹⁰ St. Kitts and Nevis Information Service, [Government of St. Kitts and Nevis Gazettes to Move Online Following Parliamentary Approval](#), February 8, 2023.

complaints, investigate and prosecute acts of corrupt conduct by persons in public life in St. Kitts and Nevis."³¹¹¹ In addition to establishing the functions of the Special Prosecutor and the responsibilities of public employees and officials to such office, the now law would provide for special offenses of public employees and officials, such as abusing their office by accepting bribes or other benefits in exchange for interfering with the administration of justice, facilitating the commission of a crime, or protecting a person who has committed one; committing fraud in government or statutory corporations by granting improper benefits to other parties; selling or buying public office; interfering in elections; and influencing or negotiating appointments.³¹¹² The law would also criminalize other examples of corrupt conduct.³¹¹³

1358. The Office of the Special Rapporteur recalls that access to information will only be useful to promote the fight against corruption if the State provides "timely, complete and accessible" information in a "simple and rapid" manner, since incomplete and time-consuming information prevents proper accountability and qualified debate.³¹¹⁴

1359. The *Freedom of Information Amendment Bill 2023* [*Freedom of Information Amendment Bill 2023*] would have been passed on February 22, 2023.³¹¹⁵ According to the Attorney General, although the original bill would never have been implemented after its passage in 2018, the now-amended law would serve as a mechanism for "members of the public, but especially members of the press, to have access to government information with some exceptions."³¹¹⁶ These would include information subject to legal privilege; commercial and confidential information; information about the health and safety of individuals; information that could interfere with the application of laws [*law enforcement*]; information that could cause serious prejudice to the defense of the country; and confidential information about policymaking and the internal workings of public agencies.³¹¹⁷ According to the official, the original bill "contemplated the hiring of *information officers* in each ministry at a significant cost," so the amended law would allow current public employees to be assigned the same tasks as the information officers; if they require support, they would have the information *commissioner*.³¹¹⁸ The amendments would be minor, such as a reduction in response time by information officers in each ministry, and would have been consulted with media workers, according to the Attorney General's statements.³¹¹⁹

1360. Following the passage of the Freedom of Information Amendment Bill, this Office was informed of the decision of the Attorney General and Minister of Justice and Legal Affairs to socialize the updated legal framework with the public and civil servants before it comes into force between April and May 2023.³¹²⁰ Planned socialization activities would include brochures, seminars and personalized talks to officials designated as information officers in each ministry to make them aware of the stipulations of the law. ³¹²¹

1361. This Office recalls that legislation regulating the right of access to public information should be broad in scope and that States should adopt the principle of maximum disclosure and good faith as guiding

³¹¹¹ St. Kitts and Nevis Information Service, [Anti-Corruption Bill, 2023](#), March 6, 2023.

³¹¹² St. Kitts and Nevis Information Service, [Anti-Corruption Bill, 2023](#), March 6, 2023.

³¹¹³ St. Kitts and Nevis Information Service, [Anti-Corruption Bill, 2023](#), March 6, 2023.

³¹¹⁴ IACHR, Corruption and Human Rights: Inter-American Standards, OEA/Ser.L/V/II. Doc. 236, December 6, 2019, para. 229.

³¹¹⁵ St. Kitts and Nevis Information Service, [Presentation by Hon. Garth Wilkin on Freedom of Information \(Amendment\)](#), February 24, 2023.

³¹¹⁶ St. Kitts and Nevis Information Service, [Presentation by Hon. Garth Wilkin on Freedom of Information \(Amendment\)](#), February 24, 2023.

³¹¹⁷ St. Kitts and Nevis Information Service, [Presentation by Hon. Garth Wilkin on Freedom of Information \(Amendment\)](#), February 24, 2023.

³¹¹⁸ St. Kitts and Nevis Information Service, [Presentation by Hon. Garth Wilkin on Freedom of Information \(Amendment\)](#), February 24, 2023.

³¹¹⁹ St. Kitts and Nevis Information Service, [Freedom of Information \(Amendment\) Bill, 2023](#), February 22, 2023; St. Kitts and Nevis Information Service, [Presentation by Hon. Garth Wilkin on Freedom of Information \(Amendment\)](#), February 24, 2023.

³¹²⁰ St. Kitts and Nevis Information Service, [FREEDOM OF INFORMATION \(AMENDMENT\) BILL, 2023, PASSED IN THE HOUSE, WILL FURTHER STRENGTHEN TRANSPARENCY AND ACCOUNTABILITY IN GOVERNMENT](#), February 23, 2023.

³¹²¹ St. Kitts and Nevis Information Service, [FREEDOM OF INFORMATION \(AMENDMENT\) BILL, 2023, PASSED IN THE HOUSE, WILL FURTHER STRENGTHEN TRANSPARENCY AND ACCOUNTABILITY IN GOVERNMENT](#), February 23, 2023.

principles of the right of access to information in all areas of government and administration.³¹²² In addition, this Office emphasizes that the limitations imposed on access to information must be strictly exceptional in nature and comply with the requirements of legality, necessity and strict proportionality.³¹²³ Likewise, the State must design a plan that allows the real and effective satisfaction of the right of access to information within a reasonable period of time. This obligation implies the duty to allocate the necessary budget to be able to satisfy, in a progressive manner, the demands that the right of access to information will generate.³¹²⁴ On the other hand, the Rapporteurship recommends establishing systematic policies for the training and education of state officials on international standards regarding access to information, as well as training civil society organizations in the use of the mechanisms available to make requests for information to the State.³¹²⁵

1362. Finally, the *Integrity in Public Life Amendment Bill*, also passed at the end of February 2023, would maintain the finality of "providing for a code of conduct and declarations of interest of public officers for the offenses of abuse of office, misconduct and neglect of duty," as well as "providing for the establishment of the Integrity Commission, its powers and functions."³¹²⁶ The amendments would expand the coverage of the Act, specify rules for disclosures, and update definitions and procedures. Thus, the scope of family members covered by the law would have been expanded to include stepchildren, adopted children and children born out of wedlock; the law would apply to all public officials and would include a declaration of income and assets, in physical or virtual form, with new deadlines for officials appointed after April 22, 2023; a schedule would have been included with the categories of officials subject to the law and an oath to be filed; and the figure of the Special Prosecutor would have been incorporated in accordance with the new Anti-Corruption Law of 2023.³¹²⁷ Additionally, the structure of the Integrity Commission would have been expanded and the possibility of holding online meetings would have been incorporated, as well as the responsibility to prepare an annual report of its activities until June 30 of each year.³¹²⁸

1363. The Office of the Special Rapporteur was also informed of the presentation of at least two other bills that have an impact on freedom of expression: the *Whistleblowers Protection Bill (2023)* and the *Unauthorized Disclosure of Official Information Bill (2023)*. According to drafts released by the St. Kitts and Nevis Information Service (*SKIN*), the Whistleblowers Protection Bill would aim to "deter and combat corruption and other misconduct by encouraging and facilitating good faith disclosures of such conduct and protecting persons who make such disclosures."³¹²⁹ For its part, the Unauthorized Disclosure of Official Information Bill would be intended to "deter and create penalties for unauthorized disclosure of official government information by public servants and government contractors."³¹³⁰

1364. This Office recalls that whistleblowers are those individuals who disclose confidential or secret information despite official or other obligations to maintain confidentiality or secrecy. Therefore, whistleblowers who disclose information about violations of laws, serious cases of maladministration by public bodies, a serious threat to health, safety or the environment, or a violation of human rights or humanitarian law should be protected from legal, administrative or labor sanctions provided they have acted in "good faith".³¹³¹ Any attempt to impose further sanctions against whistleblowers should be based on previously

³¹²² IACHR, Office of the Special Rapporteur for Freedom of Expression, Right to Information and National Security, OEA/Ser.L/V/II CIDH/RELE/INF.24/20, July 2020, Recommendation No. 1.

³¹²³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Right to Information and National Security, OEA/Ser.L/V/II CIDH/RELE/INF.24/20, July 2020, Recommendation No. 3.

³¹²⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, El derecho de acceso a la información en el marco jurídico interamericano, OEA/Ser.L/V/II CIDH/RELE/INF. 1/09, December 30, 2009, para. 40.

³¹²⁵ IACHR, Access to information, violence against women and the administration of justice in the Americas, OEA/Ser.L/V/II.154, Doc.19, March 27, 2015, Recommendation No. 10.

³¹²⁶ St. Kitts and Nevis Information Service, [Integrity in Public Life \(Amendment\) Bill, 2023](#), March 6, 2023; St. Kitts and Nevis Information Service, [Integrity in Public Life \(Amendment\) Bill, 2023](#), March 6, 2023.

³¹²⁷ St. Kitts and Nevis Information Service, [Integrity in Public Life \(Amendment\) Bill, 2023](#), March 6, 2023.

³¹²⁸ St. Kitts and Nevis Information Service, [Integrity in Public Life \(Amendment\) Bill, 2023](#), March 6, 2023.

³¹²⁹ St. Kitts and Nevis Information Service, [Whistleblowers Protection Bill, 2023](#), May 22, 2023.

³¹³⁰ St. Kitts and Nevis Information Service, [Unauthorized Disclosure of Official Information Bill, 2023](#), May 22, 2023.

³¹³¹ OAS, UN, OSCE, Joint Declaration on Access to Information and on Legislation Regulating Secrecy, 2004.

established laws applied by impartial and independent bodies with full guarantees of due process, including the right to appeal.³¹³²

1365. On July 31, 2023, RELE received reports that members of the federal cabinet would have jointly filed their declarations of assets and income with the Integrity Commission, as stipulated in the Integrity in Public Life Act, amended by parliament in February 2023.³¹³³ The now amended law would establish that persons appointed as public officials before April 22, 2023 should file an initial declaration with the Integrity Commission no later than Monday, July 31, 2023.³¹³⁴ Persons appointed after that date, in any year, would be required to file an initial declaration within 100 days of becoming public officers.³¹³⁵ In addition, all officers must file their annual returns no later than April 30 of the following years.³¹³⁶ According to the law, the declarations of public servants should be filed for a period of two successive years after they have ceased to be public servants.³¹³⁷ Public servant would mean all public servants with parliamentary functions, constitutional functions, functions in the executive, statutory corporations, government interest corporations and statutory bodies.³¹³⁸

1366. As in previous years, this Office learned of repeated calls for greater transparency regarding the *Citizenship by Investment (CBI)* program.³¹³⁹ At the end of September 2023, the Office of the Special Rapporteur learned that the director of the government unit in charge of the program reportedly expressed his intention to promote greater exchange of information with citizens through the creation of a communications department.³¹⁴⁰ In addition to mounting billboards at the sites of *CBI-supported* projects, a strategy that is already underway, the director said that the regular publication of a document describing statistics such as the number of applicants, the number of applications approved, and the income generated by the program, among others, would be considered.³¹⁴¹ For his part, the Prime Minister reportedly explained that important changes to the program would include a new mandatory interview and additional security checks by specialized companies in the UK, US and Europe for all individuals who decide to apply for St. Kitts and Nevis citizenship.³¹⁴² Finally, the Minister of Justice and Legal Affairs reportedly explained that infrastructure project developers would not receive full disbursements from the *CBI* fund until they demonstrate progress on each contract awarded.³¹⁴³

³¹³² OAS, UN, Joint Statement on Wikileaks by the Rapporteurs for Freedom of Expression of the IACHR and the United Nations, 2010, para. 3.

³¹³³ St. Kitts and Nevis Information Service, [ST. KITTS AND NEVIS' FEDERAL CABINET MAKES HISTORY BY FILING FIRST DECLARATIONS TO THE INTEGRITY COMMISSION](#), August 1, 2023.

³¹³⁴ St. Kitts and Nevis Information Service, [ST. KITTS AND NEVIS' FEDERAL CABINET MAKES HISTORY BY FILING FIRST DECLARATIONS TO THE INTEGRITY COMMISSION](#), August 1, 2023.

³¹³⁵ St. Kitts and Nevis Information Service, [ST. KITTS AND NEVIS' FEDERAL CABINET MAKES HISTORY BY FILING FIRST DECLARATIONS TO THE INTEGRITY COMMISSION](#), August 1, 2023.

³¹³⁶ St. Kitts and Nevis Information Service, [ST. KITTS AND NEVIS' FEDERAL CABINET MAKES HISTORY BY FILING FIRST DECLARATIONS TO THE INTEGRITY COMMISSION](#), August 1, 2023.

³¹³⁷ St. Kitts and Nevis Information Service, [ST. KITTS AND NEVIS' FEDERAL CABINET MAKES HISTORY BY FILING FIRST DECLARATIONS TO THE INTEGRITY COMMISSION](#), August 1, 2023.

³¹³⁸ St. Kitts and Nevis Information Service, [ST. KITTS AND NEVIS' FEDERAL CABINET MAKES HISTORY BY FILING FIRST DECLARATIONS TO THE INTEGRITY COMMISSION](#), August 1, 2023.

³¹³⁹ IACHR, Annual Report 2022, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50, March 6, 2023, paras. 1172-1179; St. Kitts and Nevis Information Service, [CBI UNIT TO DEEPEN PUBLIC ENGAGEMENT TO IMPROVE INFORMATION SHARING AND TRANSPARENCY](#), September 30, 2023.

³¹⁴⁰ WINN FM, [Publication of SKN CBI Statistics and public engagement identified as priority areas for the enhancement and transparency of the CBI Programme](#), 28 September 2023; St. Kitts and Nevis Information Service, [CBI UNIT TO DEEPEN PUBLIC ENGAGEMENT TO IMPROVE INFORMATION SHARING AND TRANSPARENCY](#), 30 September 2023.

³¹⁴¹ WINN FM, [Publication of SKN CBI Statistics and public engagement identified as priority areas for the enhancement and transparency of the CBI Programme](#), 28 September 2023; St. Kitts and Nevis Information Service, [CBI UNIT TO DEEPEN PUBLIC ENGAGEMENT TO IMPROVE INFORMATION SHARING AND TRANSPARENCY](#), 30 September 2023.

³¹⁴² St. Kitts and Nevis Information Service, [ADDITIONAL CHANGES TO ST. KITTS AND NEVIS' CBI PROGRAMME WILL BOOST INVESTOR CONFIDENCE AND BOLSTER THE FEDERATION'S REPUTATION](#), July 28, 2023.

³¹⁴³ ZIZ, [Changes Made To St. Kitts And Nevis' CBI Programme To Remove Loopholes Exploited By Developers - AG Garth Wilkin](#), January 19, 2023; Tempo, [Changes made to St. Kitts and Nevis' CBI programme to remove loopholes exploited by developers: AG](#), January 21, 2023.

1367. The Rapporteurship recalls that democratic control of public administration, through public opinion, promotes transparency in the activities of the State and the accountability of public officials for their actions, and is a means to achieve the highest level of citizen participation. Hence, the proper development of democracy requires a greater circulation of reports, opinions and ideas on matters of public interest.³¹⁴⁴

C. Freedom of expression and the fight against discrimination and exclusion

1368. In January 2023, the Special Rapporteur was informed of the historic decision to appoint the first female Governor General of St. Kitts and Nevis.³¹⁴⁵ Marcella Liburd would have served as a teacher, lawyer, senator, and vice-president and speaker of the National Assembly, as well as Minister of Health, Social Services, Community Development, Culture and Gender Affairs, and Prime Minister-in-Charge.³¹⁴⁶

1369. The Special Rapporteur was also informed of the decision to appoint a woman as the first chair of the Board of Directors of the *Eastern Caribbean Telecommunications Authority (ECTEL)*.³¹⁴⁷ The appointment of Shaniqua Carey-Brown, a national of St. Kitts and Nevis, would coincide with the theme of International Women's Day 2023, "*DigitAll: innovation and technology for gender equality*." ECTEL is the regional regulatory body that advises the *National Telecommunications Regulatory Commissions (NTRCs)* on information and communication technology matters in its five member states, namely the Commonwealth of Dominica, Grenada, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines.³¹⁴⁸

1370. This Office recalls that States are under the obligation to adopt positive measures aimed at guaranteeing substantive equality for women in the exercise of freedom of expression and the transformation of institutions, systems, roles and stereotypes that perpetuate their inequality and exclusion from public debate.³¹⁴⁹

1371. In June 2023, this Office was informed of the approval of a bill to safeguard the rights of Rastafarians, a minority religious and political movement.³¹⁵⁰ According to the approved bill, it would seek to "provide for the process of registration of Rastafari groups," as well as "the recognition of various rights related to the use of cannabis by registered Rastafari groups," such as "the granting of licenses for freedom of conscience, possession and use of cannabis in certain public places."³¹⁵¹ The law would also allow them to register their regular meeting place and receive exemptions on various taxes.³¹⁵² Laws preventing Rastafarians from using marijuana in their religious practices were reportedly ruled unconstitutional on May 3, 2019 by a High Court judge's ruling in relation to *Ras* member *Sankofa Macabee* after he appealed his conviction for growing marijuana.³¹⁵³

1372. In February 2023, RELE learned that History and Heritage Month would be celebrated in St. Kitts and Nevis. The month would recognize the African influence on the country's cultural traditions and

³¹⁴⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II. IACHR/RELE/INF. 2/09, December 30, 2009, para. 33.

³¹⁴⁵ St. Kitts and Nevis Information Service, [Her Excellency Marcella Liburd to be Sworn in as the First Female Governor General](#), January 31, 2023; St. Kitts & Nevis Observer, [Marcella Liburd Sworn in as First Female Governor General of St. Kitts & Nevis](#), February 1, 2023.

³¹⁴⁶ St. Kitts and Nevis Information Service, [Her Excellency Marcella Liburd to be Sworn in as the First Female Governor General](#), January 31, 2023; St. Kitts & Nevis Observer, [Marcella Liburd Sworn in as First Female Governor General of St. Kitts & Nevis](#), February 1, 2023.

³¹⁴⁷ ECTEL, [Spotlight on ECTEL's Board of Directors First Female Chairperson](#), March 22, 2023.

³¹⁴⁸ ECTEL, [Spotlight on ECTEL's Board of Directors First Female Chairperson](#), March 22, 2023.

³¹⁴⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Women Journalists and Freedom of Expression, OEA/Ser.L/V/II, IACHR/RELE/INF.20/18, October 2018, para. 69.

³¹⁵⁰ St. Kitts and Nevis Information Service, [Rastafari Rights Recognition Bill, 2023](#), May 22, 2023; Caribbean Loop News, [Rastafarians in St Kitts & Nevis gain legal right to use marijuana](#), June 21, 2023.

³¹⁵¹ St. Kitts and Nevis Information Service, [Rastafari Rights Recognition Bill, 2023](#), May 22, 2023; Caribbean Loop News, [Rastafarians in St Kitts & Nevis gain legal right to use marijuana](#), June 21, 2023.

³¹⁵² St. Kitts and Nevis Information Service, [Rastafari Rights Recognition Bill, 2023](#), May 22, 2023.

³¹⁵³ The Eastern Caribbean Supreme Court, [Ras Sankofa Macabee v. the Commissioner of Police and the Attorney General of Saint Christopher and Nevis](#), May 3, 2019.

practices on the 400th anniversary since the establishment of the British colony in 1623.³¹⁵⁴ According to the Minister of Culture, February and the planned events would constitute "an important opportunity to promote greater awareness and understanding of our country's history, heritage and culture among our citizens as we work to engender a robust and expressive spirit of national identity and pride."³¹⁵⁵

1373. With the start of the new school year in September 2023, this Office was informed of the Ministry of Education's decision to update its "hair guidelines" for students preventing, according to the information shared, possible instances of discrimination related to hairstyles, as well as creating "an inclusive and respectful environment that promotes diversity and self-expression in accordance with school standards."³¹⁵⁶ The new guidelines would allow *locs*, *afros*, and *cornrows* for females and males, although extensions would only be allowed for females.³¹⁵⁷

1374. During the course of the year, the Rapporteurship observed that public discourse in St. Kitts and Nevis had focused, as in other Caribbean countries, on the relationship with the British monarchy. In an interview with the BBC, the Prime Minister reportedly stated that his country "is not totally free" as long as King Charles III remains head of state, so that during his administration a public consultation would begin on whether St. Kitts and Nevis should become a republic.³¹⁵⁸ Additionally, the Prime Minister expressed that he would appreciate a formal apology from the monarchy and would be willing to explore reparations beyond "monetary contributions."³¹⁵⁹ In April 2023, Buckingham Palace reportedly announced that it would be cooperating with an independent study on the relationship between the British monarchy and the transatlantic slave trade.³¹⁶⁰

1375. The Rapporteurship also took note of the support expressed by St. Kitts and Nevis for initiatives such as the 10-Point Action Plan for Restorative Justice of the Caribbean Community (CARICOM) at yesterday's second session of the *Permanent Forum on People of African Descent (PPPAD)*.³¹⁶¹ The ambassador to the United Nations in New York reportedly stated that "restorative justice for the injuries, losses and damages caused by centuries of slavery, native genocide and deceptive contracts, is the defining cause of our time."³¹⁶²

1376. The Rapporteurship insists that participation in public affairs is especially relevant for groups of people historically discriminated against or in conditions of marginalization.³¹⁶³

D. Freedom of expression and the Internet

³¹⁵⁴ St. Kitts and Nevis Information Service, [ST. KITTS AND NEVIS RECOGNIZES AFRICAN INFLUENCE ON THE TRADITIONS AND CULTURAL PRACTICES OF THE FEDERATION](#), 3 February 2023; St. Kitts & Nevis Observer, [SKN History & Heritage Month 2023 Fete Underway](#), 3 February 2023.

³¹⁵⁵ St. Kitts and Nevis Information Service, [ST. KITTS AND NEVIS RECOGNIZES AFRICAN INFLUENCE ON THE TRADITIONS AND CULTURAL PRACTICES OF THE FEDERATION](#), 3 February 2023; St. Kitts & Nevis Observer, [SKN History & Heritage Month 2023 Fete Underway](#), 3 February 2023.

³¹⁵⁶ Caribbean Loop News, [Locs, afros, cornrows permitted in new student hair policy in St Kitts](#), August 28, 2023; Associate Times, [St Kitts and Nevis announces hair guidelines for students, effective September 2023](#), August 29, 2023.

³¹⁵⁷ Caribbean Loop News, [Locs, afros, cornrows permitted in new student hair policy in St Kitts](#), August 28, 2023; Associate Times, [St Kitts and Nevis announces hair guidelines for students, effective September 2023](#), August 29, 2023.

³¹⁵⁸ BBC News, [St Kitts and Nevis is not totally free under King Charles III, says PM](#), May 8, 2023; The Guardian, [Saint Kitts and Nevis PM says country is not free while King Charles is head of state](#), May 8, 2023.

³¹⁵⁹ BBC News, [St Kitts and Nevis is not totally free under King Charles III, says PM](#), May 8, 2023; The Guardian, [Saint Kitts and Nevis PM says country is not free while King Charles is head of state](#), May 8, 2023.

³¹⁶⁰ BBC News, [King Charles supports study into Royal Family slavery links](#), April 6, 2023; The Guardian, [King Charles signals first explicit support for research into monarchy's slavery ties](#), April 6, 2023.

³¹⁶¹ St. Kitts and Nevis Information Service, [ST. KITTS AND NEVIS EMBRACES EFFORTS TO ABOLISH SYSTEMATIC RACISM](#), May 30, 2023.

³¹⁶² St. Kitts and Nevis Information Service, [ST. KITTS AND NEVIS EMBRACES EFFORTS TO ABOLISH SYSTEMATIC RACISM](#), May 30, 2023.

³¹⁶³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 23.

1377. In late 2022, RELE was informed of the signing of a technical cooperation agreement for the Digital Identity Authentication Project between the Ministry of Information and Communications Technology of St. Kitts and Nevis and the International Cooperation and Development Fund (ICDF) of Taiwan.³¹⁶⁴ The project in question would be part of the government's digital transformation strategy and would involve the implementation of a centralized electronic identification system for all citizens of the country.³¹⁶⁵ In addition to a digital ID, the project would also include the creation of a digital signature, an identity authentication mechanism and the construction of a unified data management mechanism.³¹⁶⁶ The Minister of Information, Communication Technology reportedly explained that it would preserve "the rights and needs of our citizens" with respect to "the use of their general identity [...], in accordance with privacy and data protection legislations."³¹⁶⁷

1378. This Office recalls that States should adopt policies to prohibit the processing of data, including the storage, analysis, and disclosure of personal data, except when they are entitled to do so or when there is informed consent of the person concerned.³¹⁶⁸ The consent of the individual enables states and individuals to process his or her personal data. However, for consent to be valid, it must be free and informed, so States must ensure that there are general conditions that guarantee that such consent can be effectively free and informed.³¹⁶⁹

1379. In January 2023, this Office learned of a donation from the Japan *International Cooperation Agency (JICA)* to the Nevis *Island Administration (NIA)* of a data logger to improve the data analysis capabilities of the Nevis *Electricity Company (NEVLEC)*; This device would, according to *NEVLEC*, help monitor and record electricity usage, providing information on how to alter energy behavior and improve energy efficiency on this island of the federation.³¹⁷⁰ *JICA* also reportedly offered free training to *NEVLEC* employees.

1380. In March 2023, RELE learned that the Ministry of Ecclesiastical and Religious Affairs reportedly organized a session on intellectual property for more than 40 attendees, including religious leaders. The government reportedly planned this event to ensure, according to available information, that original content created by religious communities is protected while respecting regional and international intellectual property rights.³¹⁷¹

1381. In May 2023, RELE was informed of the participation of officials from the Department of Technology of St. Kitts and Nevis in a cybersecurity policy workshop in Taiwan; according to public information, the workshop would have focused on sharing best practices, cybersecurity trends and data protection.³¹⁷²

1382. In August 2023, the Rapporteurship received information indicating that the *One-to-One Laptop* initiative would be resumed in all primary and secondary schools in the country.³¹⁷³ According to

³¹⁶⁴ St. Kitts and Nevis Information Service, [ST. KITTS AND NEVIS TO UNDERGO A DIGITAL TRANSFORMATION](#), December 22, 2022.

³¹⁶⁵ St. Kitts and Nevis Information Service, [ST. KITTS AND NEVIS TO UNDERGO A DIGITAL TRANSFORMATION](#), December 22, 2022.

³¹⁶⁶ St. Kitts and Nevis Information Service, [ST. KITTS AND NEVIS TO UNDERGO A DIGITAL TRANSFORMATION](#), December 22, 2022.

³¹⁶⁷ St. Kitts and Nevis Information Service, [ST. KITTS AND NEVIS TO UNDERGO A DIGITAL TRANSFORMATION](#), December 22, 2022.

³¹⁶⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a Free, Open and Inclusive Internet, OEA/Ser.L/V/II. IACHR/RELE/INF.17/17, March 2017, para. 205.

³¹⁶⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a Free, Open and Inclusive Internet, OEA/Ser.L/V/II. IACHR/RELE/INF.17/17, March 2017, para. 206.

³¹⁷⁰ ZIZ, [\[Press Release\] Nevis Government Grateful for Electrical Equipment Donated by Japanese Agency](#), February 3, 2023.

³¹⁷¹ St. Kitts and Nevis Information Service, [FAITH-BASED MEMBERS EMPOWERED WITH KNOWLEDGE TO PROTECT INTELLECTUAL PROPERTY AND HOW TO AVOID VIOLATIONS](#), March 17, 2023.

³¹⁷² St. Kitts and Nevis Information Service, [The Department of Technology participates in Workshop on Information Security Policy in Taiwan](#), May 30, 2023.

³¹⁷³ St. Kitts and Nevis Information Service, [ONE-TO-ONE LAPTOP PROGRAMME TO BE RE-IMPLEMENTED IN SCHOOLS IN ST. KITTS AND NEVIS COME SEPTEMBER 2023](#), August 17, 2023; Caribbean Loop News, [St. Kitts & Nevis completing final steps for One-to-One Laptop program](#), August 19, 2023.

available information, the program would provide 8,000 laptops to students in public schools, as well as provide training workshops to pupils and their parents and teachers.³¹⁷⁴

1383. The Rapporteurship emphasizes that it is essential to promote and strengthen the digital citizenship of children and adolescents in order to ensure their full and future integration into a society and a world in which new technologies already play a central role. Without connectivity, children lose the ability to access an increasingly significant part of the public sphere.³¹⁷⁵

1384. In September 2023, this Office learned that the 26th regional meeting of the *Caribbean Network Operators Group (CaribNOG)* was held. Under the theme of "achieving digital independence," the event would have focused on cybersecurity and the resilience of technological infrastructure in the region with the participation of technology experts, network engineers and telecommunications representatives from the Caribbean, Latin America and North America.³¹⁷⁶ As part of this general meeting and the ninth Caribbean Internet Connectivity Forum, the Ministry of Information and Communication Technology reportedly announced the successful completion of its partnership with *CaribNOG* to design and implement a local Internet Exchange Point (IXP), called the *St. Kitts and Nevis Internet Exchange Point (SKNIX)*.³¹⁷⁷ The director of *Caribbean Affairs at the American Registry for Internet Numbers (ARIN)*, and coordinator of the *Caribbean Peering and Interconnection Forum (CarPIF)*, explained that the new IXP is expected to help improve Internet service in the country by eliminating reliance on international connectivity links for the exchange of local Internet traffic.³¹⁷⁸

1385. This Office reiterates that long-term plans and public policies should be designed and implemented in order to develop physical infrastructure such as more traffic exchange points. These allow Internet service providers and content delivery networks to exchange traffic locally rather than through often remotely located load points.³¹⁷⁹

1386. Over the course of the year, the Office of the Special Rapporteur received reports indicating a significant increase in online scams since the beginning of the COVID-19 pandemic. According to the information received, tracking, documenting and sanctioning these crimes would have been a challenge for national authorities, in part because victims would not report these crimes.³¹⁸⁰ The consequences of the pandemic, such as unemployment and economic hardship, would have made people more susceptible to social media scams and emails claiming they would be winners of lotteries or cash prizes, but requiring "payments" to "release the winnings."³¹⁸¹ The scams would include *phishing* messages, relationship scams, card hacking and merchant scams, among others.³¹⁸²

³¹⁷⁴ St. Kitts and Nevis Information Service, [ONE-TO-ONE LAPTOP PROGRAMME TO BE RE-IMPLEMENTED IN SCHOOLS IN ST. KITTS AND NEVIS COME SEPTEMBER 2023](#), August 17, 2023; Caribbean Loop News, [St. Kitts & Nevis completing final steps for One-to-One Laptop program](#), August 19, 2023.

³¹⁷⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, Children, freedom of expression and the media, OEA/Ser.L/V/II, IACHR/RELE/INF.23/19, February 2019, para. 78.

³¹⁷⁶ St. Kitts and Nevis Information Service, [St. Kitts and Nevis to Host CaribNOG 26: Achieving Digital Independence](#), September 8, 2023.

³¹⁷⁷ St. Kitts and Nevis Information Service, [St. Kitts and Nevis to Host CaribNOG 26: Achieving Digital Independence](#), September 8, 2023.

³¹⁷⁸ Caribbean Loop News, [St. Kitts & Nevis launches SKNIX to strengthen local Internet](#), September 23, 2023; Carib Daily News, [St. Kitts and Nevis Boosts Local Internet Infrastructure with SKNIX Launch](#), September 17, 2023.

³¹⁷⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a Free, Open and Inclusive Internet, OEA/Ser.L/V/II, IACHR/RELE/INF.17/17, March 2017, para. 37.

³¹⁸⁰ Caribbean Investigative Journalism Network, [Online Fraud in St. Kitts and Nevis, a Pervasive Problem for Public, Law Enforcement and Banks](#), September 13, 2023.

³¹⁸¹ Caribbean Investigative Journalism Network, [Online Fraud in St. Kitts and Nevis, a Pervasive Problem for Public, Law Enforcement and Banks](#), September 13, 2023.

³¹⁸² Caribbean Investigative Journalism Network, [Online Fraud in St. Kitts and Nevis, a Pervasive Problem for Public, Law Enforcement and Banks](#), September 13, 2023.

1387. This Office emphasizes that it is the duty of the authorities to report and be accountable for the measures taken in the area of cybersecurity, both those directly implemented and those executed by private intermediaries contracted by the State.³¹⁸³

³¹⁸³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 126.

SAINT VINCENT AND THE GRENADINES

1388. In 2023, the Office of the Special Rapporteur recorded verbal aggression against journalists covering judicial matters outside the capital's courts and a possible violent attack against a journalist for his journalistic work. On the other hand, for the third consecutive year, RELE recorded protests regarding the restrictions imposed by COVID-19 and the vaccination mandate, especially by public employees dismissed for refusing to be vaccinated. Additionally, the Rapporteurship was informed of the arrest of protesters from opposition sectors for lack of prior authorization. Opposition leaders also reportedly shared their concern about the levels of violence in the country and the decision of at least one of them to self-silence and reduce his public exposure time. On the other hand, RELE learned of the decision of at least one court of appeal to vindicate the publication of a newspaper article sued for defamation, underlining the qualified privilege journalists enjoy when covering judicial proceedings. With respect to freedom of expression and combating discrimination and exclusion, the Rapporteurship received reports documenting oppression against the LGBTI community, as well as efforts to commemorate gay pride month in the country. In terms of freedom of expression and the Internet, this Office took note of efforts to implement the Caribbean digital transformation program, strengthen the digitization of secondary education, and improve public safety through intelligent video analysis.

A. Journalism and democracy

1389. In early 2023, the Special Rapporteur received the report on media literacy, disinformation and trust in the Caribbean media, published by the *Public Media Alliance (PMA)*, the largest global association of public media organizations; this report would have analyzed the situation in eight Caribbean countries, including St. Vincent and the Grenadines.³¹⁸⁴ The country report would have three recommendations: strengthen media literacy, especially since there is no national association of journalists to carry out this task; combat disinformation, particularly in *political talk shows* and social networks that do not have mechanisms for the verification of information; and increase trust in the media through transparency efforts around possible political and economic conflicts of interest.³¹⁸⁵

1390. According to official information from the *National Telecommunications Regulatory Commission* of Saint Vincent and the Grenadines, the country has 17 registered radio stations, 13 commercial and four community radio stations.³¹⁸⁶ There are also two television stations and four subscription television networks.³¹⁸⁷ The main public media would be the television channel *St. Vincent and the Grenadines TV (SGV TV)*. However, opposition sectors have reportedly expressed concern in past years about not having sufficient access to public media.³¹⁸⁸ In terms of print and digital media, the country would have at least two weekly newspapers and three web media, and the citizenry would have access to foreign media.³¹⁸⁹

1391. According to available information, there is no association of media or journalists in the country despite repeated attempts to revive an organization that ceased operations more than a decade ago.³¹⁹⁰ The latest estimate would indicate that the country would have 40 media workers.³¹⁹¹ A study conducted by

³¹⁸⁴ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

³¹⁸⁵ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

³¹⁸⁶ National Telecommunications Regulatory Commission of St. Vincent and the Grenadines, [Licence Register](#), October 4, 2023.

³¹⁸⁷ National Telecommunications Regulatory Commission of St. Vincent and the Grenadines, [Licence Register](#), October 4, 2023.

³¹⁸⁸ Freedom House, [Freedom in the World 2023: St. Vincent and the Grenadines](#), June 21, 2023.

³¹⁸⁹ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

³¹⁹⁰ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2023.

³¹⁹¹ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

the *Association of Caribbean Media Workers (ACM)* would conclude that media workers in the country would require training in journalistic standards and the coverage of natural disasters.³¹⁹²

1392. The Office of the Special Rapporteur recalls the importance of providing media workers with the necessary support to develop their skills and knowledge so that they can exercise their profession with the rigor that journalism demands.

1393. According to information gathered by the *Public Media Alliance through* interviews with members of the media, educators and representatives of civil society, greater efforts are needed to advance media literacy so that citizens can identify and critically analyze the information they consume.³¹⁹³

1394. On the other hand, media workers reportedly expressed their concern about disinformation in the country, particularly in social networks and radio programs that incorporate anonymous phone calls.³¹⁹⁴ Issues related to COVID-19 and national politics would be the topics in which disinformation would be most evident, according to those interviewed. In view of greater disinformation in the public discourse, the *Public Media Alliance* report suggests that trust in the media has decreased, and that this would depend largely on the possible political alignment of each media outlet and its audience.³¹⁹⁵ According to this report, there would be no concerted effort to strengthen public trust in the media.

1395. This Office reiterates that it is essential that the authorities address the problem of misinformation through awareness, education and training campaigns. These campaigns should be focused on offering citizens the tools to distinguish true information from false information, to become aware of their own participation in the processes of information replication, and to warn about the impoverishment of public debate that disinformation generates.³¹⁹⁶

1396. The Special Rapporteurship recorded the publication of investigative journalism through the *Caribbean Investigative Journalism Network (CIJN)*. In April 2023, *CIJN* reportedly published an investigation on the consequences of the eruption of the *La Soufriere* volcano, such as the destruction of infrastructure, the displacement of residents, the lack of education for children and adolescents, and the current risk of flooding.³¹⁹⁷

1397. This Office welcomes all efforts to strengthen investigative journalism in order to promote transparency and accountability as pillars of democracy.

1398. In late January 2023, this Office received reports that at least three journalists were reportedly assaulted outside the courthouse in Kingstown, the capital. According to the information received, on January 25, reporters Kemarlie Durrant of the *Searchlight* newspaper, Kenton Chance of *iWitness News*, and Haydn Huggins, a *freelancer* for *The Vicentian*, were allegedly verbally attacked by alleged associates of a prisoner on trial that day while attempting to photograph him.³¹⁹⁸ In addition, two days later, another prisoner reportedly

³¹⁹² Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

³¹⁹³ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2022.

³¹⁹⁴ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2022.

³¹⁹⁵ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2022.

³¹⁹⁶ OAS, Guide to Guarantee Freedom of Expression in the Face of Deliberate Disinformation in Electoral Contexts, OEA/Ser.D/XV.22, 2019, p. 39.

³¹⁹⁷ Caribbean Investigative Journalism Network, [Amidst Flooding Fears, Hope for Bridges Grows](#), April 28, 2023.

³¹⁹⁸ *iWitness News*, [Media workers' letter to COP about aggression outside magistrates' courts in K'town](#), February 6, 2023; *Searchlight*, [Media heads seek Commissioner's urgent attention on threats to court reporters](#), February 7, 2023.

threatened to kill Durrant, saying that his work would "cost him his life"; the journalist and his editor, Clare Keizer, reportedly reported the threat to the criminal investigations department.³¹⁹⁹

1399. The Special Rapporteurship was also informed of a letter signed by a group of journalists to the Commissioner of the Royal *St Vincent and the Grenadines Police Force* Kingstown.³²⁰⁰ In the letter, the journalists expressed their concern over the alleged attack on journalists outside the magistrate's courts in the country's capital, particularly those reporters covering court matters at the *Serious Offences Court (SOC)* and the *Kingstown Magistrate's Court (KMC)*.³²⁰¹ In addition to expressing their rejection of the attacks against Kemarlie Durrant, Kenton Chance and Hayn Huggins, the signatories recounted episodes of assault in 2018, when one person was convicted of threatening to kill journalist Lyf Compton for his journalistic work in July, while another was fined for assaulting journalist Kenton Chance in December.³²⁰² Finally, the signatories would have asked the Police Commissioner to "use his good office to address this situation as a matter of urgency," adding that "the actions of people outside the court and the apparent inaction in addressing it lead us to believe that it is only a matter of time before a journalist or court worker is assaulted or seriously injured by a member of the public."³²⁰³

1400. On April 3, 2023, this Office received reports that journalist Lyf Compton, previously threatened in 2018, was stabbed in the back and subsequently hospitalized for at least three days; it was not established, according to available information, whether the motive for the attack was related to Clampton's journalistic activity.³²⁰⁴ In June, the Rapporteurship was informed that the alleged perpetrator of the crime was reportedly arrested and charged at the end of May, although he was reportedly allowed to make use of a conditional release on bail.³²⁰⁵

1401. This Office recalls that States must guarantee that the exercise of journalism and, in general, the exercise of the right to freedom of expression can be carried out freely, allowing for the existence of informed societies.³²⁰⁶ Likewise, this Office reiterates that States have the obligation to adopt measures to prevent violence against journalists and media workers, and that this obligation is accentuated in situations or areas in which there is or has been detected a special risk for journalists working in the media.³²⁰⁷ Likewise, it is essential that the authorities strongly condemn attacks against journalists and encourage the competent authorities to act with due diligence and speed in the clarification of the facts and the punishment of those responsible.³²⁰⁸ Finally, RELE recalls that States have the obligation to ensure that institutional frameworks are not designed in such a way as to lead to and promote impunity when such crimes occur.³²⁰⁹

1402. RELE also reiterates that the obligation to conduct the investigation 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 take into account aspects linked to the context, such as the journalist's professional

³¹⁹⁹ iWitness News, [Media workers write police chief after journalists harassed within the court precinct](#), February 6, 2023; Searchlight, [Media heads seek Commissioner's urgent attention on threats to court reporters](#), February 7, 2023.

³²⁰⁰ iWitness News, [Media workers' letter to COP about aggression outside magistrates' courts in K'town](#), February 6, 2023.

³²⁰¹ iWitness News, [Media workers' letter to COP about aggression outside magistrates' courts in K'town](#), February 6, 2023.

³²⁰² iWitness News, [Media workers' letter to COP about aggression outside magistrates' courts in K'town](#), February 6, 2023.

³²⁰³ iWitness News, [Media workers' letter to COP about aggression outside magistrates' courts in K'town](#), February 6, 2023.

³²⁰⁴ The Vicentian, [Montrose Man Charged with Stabbing Journalist](#), June 2, 2023; iWitness News, [Man charged with stabbing journalist in the back](#), June 2, 2023.

³²⁰⁵ The Vicentian, [Montrose Man Charged with Stabbing Journalist](#), June 2, 2023; iWitness News, [Man charged with stabbing journalist in the back](#), June 2, 2023.

³²⁰⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, March 15, 2017, para. 152.

³²⁰⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, March 15, 2017, para. 155.

³²⁰⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, March 15, 2017, para. 159.

³²⁰⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, March 15, 2017, para. 266.

activity, will be less likely to achieve results and will probably raise questions about the authorities' willingness to solve the crime.³²¹⁰

B. Freedom of expression, rule of law and democratic institutions

1403. According to international experts, the constitution of St. Vincent and the Grenadines would guarantee freedom of expression and would be respected in practice. However, journalists would still be subject to criminal and civil defamation laws.³²¹¹ Notably, the *Cybercrime Act* of 2016 [*2016 Cybercrime Act*] would have expanded the definition and scope of defamation to include online publications, incorporating significant fines and prison sentences of up to seven years for violation of what would be vaguely worded provisions.³²¹² Thus, the threat of defamation would be used by individuals in positions of power despite the absence of significant restrictions on the ability of citizens to express their views.³²¹³

1404. This Office recalls that all measures that may in one way or another affect access to and use of the Internet must be interpreted in light of the primacy of the right to freedom of expression, especially with respect to speech that is specially protected under the terms of Article 13 of the American Convention.³²¹⁴

1405. In addition, this Office reiterates that States should ensure that civil defamation laws are tailored to provide greater protection for expression on political and other matters of public concern, including by requiring politicians and persons exercising public office to tolerate a higher level of criticism than ordinary citizens; ensure that damages awards are proportionate, taking into account all the circumstances, and are not so large as to have a chilling effect on freedom of expression; ensure that courts are empowered, either at the request of the defendant or on their own motion, to dismiss, summarily and at an early stage of the proceedings, defamation claims involving statements on matters of public interest that have no realistic prospect of success (strategic claims against public participation or SLAPPs); and ensure that defendants have appropriate defenses in defamation cases involving statements on matters of public interest so that they do not have strict liability for inaccurate statements of fact, such as the defense of "reasonable publication."³²¹⁵

1406. Similarly, freedom of association would be constitutionally protected and generally respected. However, demonstrations would have occurred in 2021 over COVID-19 restrictions and vaccination mandates, some of which would have resulted in violence and injuries, including to the Prime Minister in August 2021, as documented by this Office.³²¹⁶ This Office was also informed that the alleged perpetrator of the attack on the Prime Minister would have her trial on November 29, 2023, after two years of postponements.³²¹⁷

1407. In 2022, in addition to new protests by public employees, who reportedly lost their jobs for refusing to be vaccinated, the High Court reportedly allowed the unions to file a lawsuit against the state.³²¹⁸ In March 2023, a judge reportedly ruled against the government, arguing that the vaccination mandate was illegal,

³²¹⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, *Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión*, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, March 15, 2017, para. 286.

³²¹¹ Freedom House, [Freedom in the World 2023: St. Vincent and the Grenadines](#), June 21, 2023.

³²¹² International Press Institute, [St. Vincent and the Grenadines adopt cybercrime law: IPI, 21 other groups call for repeal of 'fundamentally flawed' measure](#), August 16, 2016; Freedom House, [Freedom in the World 2023: St. Vincent and the Grenadines](#), June 21, 2023.

³²¹³ Freedom House, [Freedom in the World 2023: St. Vincent and the Grenadines](#), June 21, 2023.

³²¹⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, *Freedom of Expression and the Internet*, OEA/Ser.L/V/II, IACHR/RELE/INF. 11/13, December 31, 2013, para. 14.

³²¹⁵ OAS, UN, OSCE, ACHPR, *Joint Declaration on Political Leaders, Public Officials and Freedom of Expression*, 2021.

³²¹⁶ IACHR, *Annual Report 2021*, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 64 rev. 1, May 26, 2022, para. 800.

³²¹⁷ Caribbean Loop News, [SVG: Final trial date for woman charged with throwing missiles](#), August 30, 2023; iWitness News, [Final date for trial of woman charged with throwing missiles when PM was injured](#), August 30, 2023.

³²¹⁸ IACHR, *Annual Report 2022*, *Annual Report of the Office of the Special Rapporteur for Freedom of Expression*, OEA/Ser.L/V/II Doc. 50., March 6, 2023, paras. 1200-1201; iWitness News, [SVG's vaccine mandate lawsuit differs from others across C'bean - lawyer](#), December 21, 2021; The Gleaner, [High Court to decide if vaccine mandate dismissals legal](#), March 11, 2022.

unconstitutional and void.³²¹⁹ In addition, the ruling would explain that the fired workers would never have ceased to be public employees, so they would be entitled to their salaries and benefits, as well as punitive damages; for its part, the government said it would appeal the ruling.³²²⁰

1408. In view of the government's decision to appeal the ruling and not to comply with the reinstatement of unvaccinated persons, the Rapporteurship was informed of the call by the St. Vincent & the Grenadines Teachers' Union (*St. Vincent & the Grenadines Teachers' Union*) and the Public Service Union (*PSU*), among other groups, to hold a protest outside the Prime Minister's office in St. Vincent and the Grenadines. According to public information, the demonstration was reportedly attended by dozens of public employees dismissed for not complying with the vaccination mandate imposed by the government.³²²¹

1409. This Office recalls that public demonstrations should be considered as an exercise of freedom of expression, since the expression of opinions, dissemination of information and articulation of demands are central objectives of protests.³²²² Likewise, the fact that demonstrations and protests involve the right to freedom of expression, both because of the way in which they occur and the content they express, in many cases can translate into specially protected forms of discourse, whose robustness accompanies the development and strengthening of democratic coexistence.³²²³

1410. In February 2023, the Office of the Special Rapporteur was informed of the arrest of a group of citizens from opposition sectors who were reportedly protesting outside parliament, including Luzette King, Adriana King, John Mofford and Robert Knights.³²²⁴ According to information received by this office, the individuals were reportedly arrested by police officers and subsequently taken to a station, where they were held overnight.³²²⁵ According to authorities, they were reportedly arrested for refusing to disperse as part of "a public meeting unlawfully held 200 yards from the Court House when the House of Assembly was in session," in alleged violation of Section 10(3)(a) of the *Public Order Act*.³²²⁶ In a statement, the *New Democratic Party (NDP)* reportedly expressed its rejection of the "instrumentalization of the police" as "an attack on democracy and a misuse of police force."³²²⁷

1411. This Office recalls that a detention based exclusively on the act of participating in a protest or public demonstration does not meet the requirements of reasonableness and proportionality established by international standards.³²²⁸ Therefore, in the context of social protest, States should refrain from engaging in mass, collective or indiscriminate detention practices.³²²⁹ Likewise, RELE reiterates that detentions or transfers of persons detained in social protests should not be carried out with the intention of punishing, repressing or

³²¹⁹ Caribbean Loop News, [SVG Gov't gets 'legal equivalent of a slam dunk' in vaccine case](#), March 13, 2023; The Gleaner, [St Vincent gov't to appeal ruling in controversial COVID-19 vaccine mandate](#), March 21, 2023.

³²²⁰ Caribbean Loop News, [SVG Gov't gets 'legal equivalent of a slam dunk' in vaccine case](#), March 13, 2023; The Gleaner, [St Vincent gov't to appeal ruling in controversial COVID-19 vaccine mandate](#), March 21, 2023.

³²²¹ Caribbean Loop News, [St Vincent: Union plan protest following court victory](#), March 20, 2023; St. Vincent Times, [Fired public servants protest in Kingstown, St Vincent](#), March 20, 2023.

³²²² IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 18.

³²²³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 44.

³²²⁴ iWitness News, [Opposition activists kept in lock-up after being charged for 'protesting' outside Parliament](#), 24 February 2023; Caribbean Loop News, [SVG: Opposition condemns arrest of citizens at 'peaceful protest.'](#), 26 February 2023.

³²²⁵ iWitness News, [Opposition activists kept in lock-up after being charged for 'protesting' outside Parliament](#), February 24, 2023; Searchlight, [The weaponization of the police must stop - NDP](#), February 25, 2023; Caribbean Loop News, [SVG: Opposition condemns arrest of citizens at 'peaceful protest.'](#), February 26, 2023.

³²²⁶ iWitness News, [Opposition activists kept in lock-up after being charged for 'protesting' outside Parliament](#), 24 February 2023; Caribbean Loop News, [SVG: Opposition condemns arrest of citizens at 'peaceful protest.'](#), 26 February 2023.

³²²⁷ Searchlight, [The weaponization of the police must stop - NDP](#), February 25, 2023; Caribbean Loop News, [SVG: Opposition condemns arrest of citizens at 'peaceful protest.'](#), February 26, 2023.

³²²⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 228.

³²²⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, paras. 138 and 229.

discriminating against them, nor should they be carried out in conditions that cause them physical or mental suffering, in a humiliating manner or that encourage public exhibition.³²³⁰

1412. In February, the Rapporteurship received reports that a member of the opposition *New Democratic Party (NDP)* reportedly reduced the amount of time he spent socializing with constituents on the street for fear of becoming a victim of gun violence in the country.³²³¹ Likewise, the parliamentarian would have claimed to be "speaking very carefully about crime issues, for more than one reason."³²³² The statement of this member of the opposition would have been given after the eighth homicide in the first two months of 2023 and after the country recorded its highest homicide year in 2022, for a total of 42.³²³³

1413. This Office reiterates that measures must be taken to ensure the safety of those who participate in and contribute to the public discourse.

1414. In July 2023, the Rapporteurship was informed of an appellate court's decision to vindicate a local publication that was allegedly sued for defamation. In 2018, journalist Kenton Chance of *iWitness News* media outlet *iWitness News* reportedly covered in person a trial for a domestic violence case.³²³⁴ After the publication of the trial in the media, and according to the information available, one of the parties involved would have sued the journalist for defamation and, after hearing the evidence in the first instance, a judge would have ruled against him, so the reporter would have been ordered to pay two compensations for damages and prejudices.³²³⁵ In his appeal and the ruling in this last instance, it would have been determined that the journalist had *qualified privilege* as a journalist, so he would not have to pay compensation for reporting on the statements made in a judicial proceeding, reproduced verbatim.³²³⁶

1415. This Office reiterates its call for all member states to review their defamation legislation so that it does not restrict the right to freedom of expression and is compatible with their international obligations.³²³⁷ In addition, this Office recalls that civil penalties for defamation should not be of such proportions as to have a chilling effect on freedom of expression, and should be designed to restore a damaged reputation, rather than to compensate the plaintiff or punish the defendant; in particular, pecuniary penalties should be strictly proportionate to the actual harm caused, and the law should give priority to the use of a range of non-pecuniary remedies.³²³⁸

C. Freedom of expression and the fight against discrimination and exclusion

1416. According to available information, the constitution of St. Vincent and the Grenadines would prohibit discrimination based on race, sex, religion, although sexual orientation and gender identity would not be similarly protected.³²³⁹ Same-sex sexual relations would be illegal and carry penalties of up to 10 years in prison, while "acts of gross indecency with another person of the same sex" would carry penalties of up to five years in prison.³²⁴⁰ The human rights organization *Human Rights Watch* reportedly published a 58-page report

³²³⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 130.

³²³¹ *iWitness News*, [Leacock 'speaking very carefully' on crime matters](#), February 3, 2023.

³²³² *iWitness News*, [Leacock 'speaking very carefully' on crime matters](#), February 3, 2023.

³²³³ *iWitness News*, [Rights group 'deeply concerned' about SVG's 2022 record-breaking homicide rate](#), January 5, 2023; *St. Vincent Times*, [With 35 murders already, SVG close to shattering the 2022 record of 42](#), July 20, 2023.

³²³⁴ *iWitness News*, [Court of Appeal rules in favor of iWitness News](#), July 28, 2023; Searchlight, [Journalist, Kenton Chance wins appeal against defamation](#), July 28, 2023.

³²³⁵ *iWitness News*, [Court of Appeal rules in favor of iWitness News](#), July 28, 2023; Searchlight, [Journalist, Kenton Chance wins appeal against defamation](#), July 28, 2023.

³²³⁶ *iWitness News*, [Court of Appeal rules in favor of iWitness News](#), July 28, 2023; Searchlight, [Journalist, Kenton Chance wins appeal against defamation](#), July 28, 2023.

³²³⁷ OAS, UN, OSCE, Joint Declaration on Censorship through Murder and Defamation, 2000.

³²³⁸ OAS, UN, OSCE, Joint Declaration on Censorship through Murder and Defamation, 2000.

³²³⁹ Freedom House, [Freedom in the World 2023: St. Vincent and the Grenadines](#), June 21, 2023; Caribbean Loop News, [At a glance: Laws in the Caribbean region that criminalise gay sex](#), June 11, 2023.

³²⁴⁰ Freedom House, [Freedom in the World 2023: St. Vincent and the Grenadines](#), June 21, 2023; Caribbean Loop News, [At a glance: Laws in the Caribbean region that criminalise gay sex](#), June 11, 2023.

in July 2023 on the violence and discrimination faced by members of the LGBTI community, exposing the physical and verbal attacks, family violence, homelessness, workplace harassment, school bullying and sexual violence faced by sexual minorities under the shadow of discriminatory laws, for which, according to the information collected, members of this community would seek to emigrate permanently.³²⁴¹ In addition, *Human Rights Watch* reportedly explained that although the aforementioned laws would not be enforced, they would contribute to "a climate in which discrimination and violence remain unpunished."³²⁴²

1417. This Office recalls that it is of particular importance that States adopt actions to guarantee the exercise of the right to freedom of expression of LGBTI persons and to empower those affected and made invisible by hate speech.³²⁴³ In this sense, RELE considers that the promotion and protection of the right to freedom of expression must be combined with efforts to combat intolerance, discrimination, hate speech and incitement to violence, in particular with the promotion of proactive public policies for social inclusion in the media and to ensure that LGBTI individuals and communities can realize their right to freedom of expression without discrimination. All of these efforts must be strictly in line with international human rights law in general, and freedom of expression standards in particular.³²⁴⁴

1418. Despite the existence of this constitutional order and alleged instances of discrimination, the Office of the Special Rapporteur learned that public events were held in June 2023 to commemorate Gay Pride Month for the first time since this Office has records.³²⁴⁵ According to available information, civil society organizations and diplomatic missions to the country have organized receptions, workshops to address stigmatization, and round tables on violence and discrimination against this community in the country.³²⁴⁶

1419. In March 2023, this Office was informed of the government's decision to include women in the pool of candidates and nominees for national hero or heroine recognition.³²⁴⁷ The Prime Minister would have explained that "we examine the specific case of one or more women so as not to give the appearance at all, that the question of national heroes is essentially a patriarchal exercise without taking into account women who may well rise to the status of national heroine." Additionally, the president reportedly announced that March 9 would become a day of recognition for the Garifuna and Kalinago native peoples.³²⁴⁸

1420. The Office of the Special Rapporteur welcomes all efforts to promote gender equity and the recognition of historically marginalized groups.

1421. On June 1, 2023, the Rapporteurship learned that the final session would have been held in the *House of Assembly* in a 200-year-old building erected during the period of colonization in Kingstown, the capital of St. Vincent and the Grenadines.³²⁴⁹ According to available information, the Prime Minister reportedly stated that having the British monarch as head of state would be "an absurdity" that he would like to conclude during his lifetime.³²⁵⁰

1422. On the other hand, in July 2023, this Office learned that the government of Saint Vincent and the Grenadines had led a call for *reparatory justice* in the Caribbean and Latin America within the framework of the summit of the European Union and the Community of Latin American and Caribbean States (CELAC).³²⁵¹

³²⁴¹ Human Rights Watch, [Saint Vincent and the Grenadines: LGBT People Face Bias](#), July 20, 2023.

³²⁴² Human Rights Watch, [Saint Vincent and the Grenadines: LGBT People Face Bias](#), July 20, 2023.

³²⁴³ IACHR, Violence against LGBTI persons, OAS/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015, para. 234.

³²⁴⁴ IACHR, Violence against LGBTI persons, OAS/Ser.L/V/II.rev.2 Doc. 36, 12 November 2015, para. 221.

³²⁴⁵ St. Vincent Times, [Vicentians turn out in historic Pride event to celebrate LGBTQIA+ rights](#), June 21, 2023; Searchlight, [\[Press Release\] Vicentians celebrate Pride SVG](#), June 27, 2023.

³²⁴⁶ St. Vincent Times, [Vicentians turn out in historic Pride event to celebrate LGBTQIA+ rights](#), June 21, 2023; Searchlight, [\[Press Release\] Vicentians celebrate Pride SVG](#), June 27, 2023.

³²⁴⁷ Government of St. Vincent and the Grenadines, [Women Soon To Be Among National Heroes](#), March 14, 2023.

³²⁴⁸ Government of St. Vincent and the Grenadines, [Women Soon To Be Among National Heroes](#), March 14, 2023.

³²⁴⁹ Government of St. Vincent and the Grenadines, [Final Sitting at The House Assembly](#), June 1, 2023.

³²⁵⁰ Caribbean Loop News, [St Vincent PM wants 'severing of umbilical cord' with British monarchy](#), May 8, 2023; The Daily Mail, [Leader of another Commonwealth country looks at splitting from the Crown after saying having King Charles as the head of state is 'absurd'](#), May 8, 2023.

³²⁵¹ Government of St. Vincent and the Grenadines, [SVG Champions The Cause for Reparatory Justice](#), July 19, 2023.

The country's Prime Minister reportedly put the issue of reparations for the "native genocide" and the "slave trade" on the table in the final declaration of the summit, although it was not accepted by the EU representatives.³²⁵² Likewise, the Prime Minister reportedly explained that the process would be moving forward to request a legal opinion from the International Court of Justice on the demand for compensation by 10 European countries for slavery as part of the restorative justice project.³²⁵³

D. Freedom of expression and the Internet

1423. In January 2023, the Special Rapporteur was informed of the government of St. Vincent and the Grenadines' decision to continue investing in "digital transformation for the smooth and effective delivery of the Internet through the Caribbean *Regional Digital Transformation Program (CARDTP)*".³²⁵⁴ Stakeholders reportedly attended a workshop to develop a roadmap for the country's digital transformation strategy over five years. In addition to St. Vincent and the Grenadines, Dominica, Grenada and St. Lucia would also be participants in this US\$28 million project financed by the World Bank, among others.³²⁵⁵ According to public information, the objective of the project would be to increase access to digital services, technologies and skills by governments, businesses and individuals in the participating countries of the Eastern Caribbean.

1424. In February 2023, this Office was informed of the launch of a project by Saint Vincent and the Grenadines Community College (SVGCC), in collaboration with the *Commonwealth of Learning*, to strengthen online learning.³²⁵⁶ The project would hope to achieve better capacity to offer online and hybrid courses, increase the number of online courses available, and have more students complete online and hybrid courses, while improving teacher training, developing education and technology policies, providing technical support, and creating a culture of student support.³²⁵⁷ Additionally, in May, RELE learned that more than 1,000 SVGCC freshmen and high school students will receive laptops.³²⁵⁸

1425. This Office recalls that actions should be taken to promote, progressively, universal access not only to the infrastructure, but also to the technology necessary for its use and to the greatest possible amount of information available on the network; to eliminate arbitrary barriers to access to infrastructure, technology and online information; and to adopt positive differentiation measures to allow the effective enjoyment of this right by individuals or communities that require it due to their circumstances of marginalization or discrimination.³²⁵⁹ Likewise, the authorities should encourage educational measures aimed at promoting the ability of all persons to make autonomous, independent and responsible use of the Internet and digital technologies.³²⁶⁰

1426. In March 2023, RELE was informed of the launch of a project to improve public safety through intelligent video analysis.³²⁶¹ This year, according to public information, the second phase of the project would have been launched, as the first phase, completed in 2021, would have consisted of the installation of 186 CCTV

³²⁵² The Guardian, [Caribbean countries poised to seek UN legal advice on slavery compensation](#), July 19, 2023; Nationwide FM, [CELAC Mulling Approaching ICJ for Legal Guidance on Reparations](#), July 19, 2023.

³²⁵³ The Guardian, [Caribbean countries poised to seek UN legal advice on slavery compensation](#), July 19, 2023; Nationwide FM, [CELAC Mulling Approaching ICJ for Legal Guidance on Reparations](#), July 19, 2023.

³²⁵⁴ Government of St. Vincent and the Grenadines, [Five-Year Digital Transformation Strategy For SVG - Visioning Workshop](#), January 27, 2023.

³²⁵⁵ Government of St. Vincent and the Grenadines, [Five-Year Digital Transformation Strategy For SVG - Visioning Workshop](#), January 27, 2023.

³²⁵⁶ Government of St. Vincent and the Grenadines, [Building The Online Capacity of SVGCC](#), February 6, 2023.

³²⁵⁷ Government of St. Vincent and the Grenadines, [Building The Online Capacity of SVGCC](#), February 6, 2023; Government of St. Vincent and the Grenadines, [SVGCC Equips 30 Lecturers In Online Teaching](#), April 18, 2023.

³²⁵⁸ Government of St. Vincent and the Grenadines, [SVG - Only Caribbean Country to Procure And Provide Learning Devices for Students](#), May 26, 2023.

³²⁵⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 15.

³²⁶⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 48.

³²⁶¹ Government of St. Vincent and the Grenadines, [Phase Two of the Intelligent Video Analytics \(CCTV Project\) Launched](#), March 13, 2023.

cameras, 10 facial recognition cameras at Argyle International Airport, four car counting cameras, as well as the construction of the Control Center in Questelles.³²⁶² The cameras would have been installed on the island's coastline and in the capital, Kingstown, and would currently be maintained by the Information Technology Services Division and monitored 24/7 by personnel of the Royal St. Vincent and the Grenadines Police Force.³²⁶³

1427. The second phase of the project would aim to establish an *Intelligent Video Surveillance (IVS)* system, according to the information received.³²⁶⁴ Project goals would include improving the scope of monitoring and penetration by installing 160 outdoor cameras in 29 locations; developing capabilities to enhance image analysis, program design capacity, operation mechanism and management, as well as to strengthen the information security capacity of police and ITSD personnel; upgrading hardware and software; and strengthening the maintenance and operation of the IVS to ensure the stability and normal operation of the software and hardware installations shared between the two project phases.³²⁶⁵

1428. This Office reiterates that States must observe strict criteria of necessity and proportionality when determining the data to be collected and the methods for collecting biological and behavioral data; establish protocols for collection that respect human rights; and guarantee the right of access to information on current policies and practices, the type of information collected, and the uses made of such information, also indicating the competent authority for collecting and processing such data. This process should be subject to both administrative and judicial control, and the State should investigate any human rights violations that come to its attention in the context of these practices.³²⁶⁶

³²⁶² Government of St. Vincent and the Grenadines, [Phase Two of the Intelligent Video Analytics \(CCTV Project\) Launched](#), March 13, 2023.

³²⁶³ Government of St. Vincent and the Grenadines, [The Second Phase of the Enhancing Public Safety with Intelligent Video Analytics Project was Officially Launched](#), October 2, 2023.

³²⁶⁴ Government of St. Vincent and the Grenadines, [The Second Phase of the Enhancing Public Safety with Intelligent Video Analytics Project was Officially Launched](#), October 2, 2023.

³²⁶⁵ Government of St. Vincent and the Grenadines, [The Second Phase of the Enhancing Public Safety with Intelligent Video Analytics Project was Officially Launched](#), October 2, 2023.

³²⁶⁶ IACHR, , Office of the Special Rapporteur for Freedom of Expression, Standards for a Free, Open and Inclusive Internet, OEA/Ser.L/V/II. IACHR/RELE/INF.17/17, March 15, 2017, para. 209.

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1429. In 2023, the Special Rapporteurship received reports that public authorities reportedly asked the media not to publish the location of a homicide to avoid a decrease in the number of tourists on the island. In addition, the Office recorded multiple protests following the reinstatement of the opposition leader to parliament and the discontent of opposition sectors with inflation, new taxes and alleged cases of corruption. In the course of the year, this Office also recorded the resurgence of violence in the country and a possible call for incitement to political violence by a public figure, which would have led the government to take measures to increase the power of the police forces. In terms of freedom of expression and the fight against discrimination and exclusion, the Rapporteurship learned of progress so far this year in commemorating LGBTI Pride Month, consolidating gender equity, and promoting conversations about the legacy of slavery and Creole identity. With respect to freedom of expression and the Internet, RELE was informed of the entry into force of some provisions of the Law on Privacy and Data Protection, as well as a series of trainings to improve digital literacy among girls, adolescents and traders. Finally, the Rapporteurship also learned of multiple scams that are being carried out through social networks, even impersonating national media.

A. Journalism and democracy

1430. According to the latest *Freedom House* report, St. Lucia's political constitution would guarantee freedom of expression and communication, and freedom of the press would be respected in practice.³²⁶⁷ However, St. Lucia would still have criminal defamation laws that would provide for fines and prison sentences of up to five years for infractions, although civil suits would be more common.³²⁶⁸

1431. This Office recalls that the threat or imposition of imprisonment based on desacato and criminal defamation laws can have a silencing effect that affects not only communicators, but society as a whole.³²⁶⁹

1432. Regarding the media landscape in the country, this Office was informed that most of them would be private and independent and would cover issues of national interest.³²⁷⁰ Among these would be 10 radio frequencies, at least two weeklies, *The Voice* and *Star*, and about five digital media, although there would be no private television channels, except for the public *National Television Network*.³²⁷¹

1433. According to the information received by this Office, the COVID-19 pandemic has reportedly resulted in a decline in the advertising market, thus affecting the finances and viability of the national media.³²⁷² In May 2023, for example, the Office of the Special Rapporteur was informed of the expulsion of the *Mirror Newspaper* from its usual premises for owing multiple months of rent.³²⁷³ Additionally, this Office received reports that the media had increased its economic dependence on public service announcements and government-sponsored programs. RELE was aware of reports that some media owners could "inappropriately and unduly influence the editorial process in the newsroom because of those financial considerations."³²⁷⁴ In

³²⁶⁷ Freedom House, [Freedom in the World 2023: St. Lucia](#), June 21, 2023.

³²⁶⁸ Freedom House, [Freedom in the World 2023: St. Lucia](#), June 21, 2023.

³²⁶⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, *Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión*, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, March 2017, para. 28.

³²⁷⁰ Freedom House, [Freedom in the World 2023: St. Lucia](#), June 21, 2023.

³²⁷¹ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023; Government of St. Lucia, [National Television Network](#), undated.

³²⁷² Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

³²⁷³ Caribbean Loop News, [Mirror newspaper ousted from premises by Invest Saint Lucia](#), May 8, 2023.

³²⁷⁴ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

other words, there would be the possibility that media outlets may have sought to alter their coverage to secure government revenue in the form of state advertising and public service programming.³²⁷⁵

1434. In the case of the distribution of official advertising, the Rapporteurship recalls that a case of indirect censorship is configured when it is carried out with discriminatory purposes according to the editorial position of the media included or excluded in this distribution and with the purpose of conditioning its editorial position or informative line.³²⁷⁶

1435. According to information gathered by the *Association of Caribbean Media Workers (ACM)*, there has been no press or media workers' association in the country for at least five years.³²⁷⁷ As a result, there would be problems in the presence of journalists to cover current affairs, in addition to their lack of education and training.³²⁷⁸ In addition, national media workers have also reported salary reductions, dismissals or unpaid leaves of absence, although there is no publicly available data.³²⁷⁹ The lack of accreditation and formal training would mean that the requirements to work for the media are low, to which would be added the low remuneration of journalists, would have led to an alleged reduction in the quality of writing, reporting, and verification of facts, among other aspects.³²⁸⁰

1436. Finally, this Office has received reports that the Government of St. Lucia has used the COVID-19 pandemic to exercise tighter control over the flow of information. Thus, the Government Information Service would have been used to disseminate statements and communiqués on government activities without being subject to questioning or challenge, while access to public officials, particularly elected officials, would have been significantly reduced.³²⁸¹ In addition, other media workers reportedly explained that during the pandemic there were restrictions on access to places of public deliberation, such as parliament, and to broadcasts of debates about them.³²⁸²

1437. The Rapporteurship emphasizes that the obligation of active transparency includes the duty not to interfere with the right of access to information of any kind, which extends to the circulation of information that may or may not have the personal approval of those who represent the state authority at any given time.³²⁸³

1438. In the last survey conducted with media workers in the country, the union reportedly explained that its needs and demands would consist of designing and implementing legislation on freedom of access to information; the revival of the journalists' association in the country to advocate for their rights; and access to regular training.³²⁸⁴

1439. In mid-2023, the Special Rapporteur received reports that the country's main tourism marketing agency, the Saint Lucia *Tourism Authority (SLTA)*, had asked the national media to omit mentioning

³²⁷⁵ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

³²⁷⁶ IACHR, Principles on the Regulation of Official Advertising in the Inter-American System for the Protection of Human Rights. 2011, para. 11.

³²⁷⁷ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

³²⁷⁸ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

³²⁷⁹ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

³²⁸⁰ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

³²⁸¹ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

³²⁸² Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

³²⁸³ IACHR, Office of the Special Rapporteur for Freedom of Expression, El derecho de acceso a la información en el marco jurídico interamericano, OEA/Ser.L/V/II CIDH/RELE/INF. 1/09, December 30, 2009, para. 34.

³²⁸⁴ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

the location of a homicide in a tourist area.³²⁸⁵ The Minister of Tourism, Information and Broadcasting reportedly expressed support for this position after opposition sectors criticized this measure for seeking to censor coverage of events of interest to the public, arguing that it was an effort to "manage the image of the destination" and prevent "giving the impression that the tourist site is not safe."³²⁸⁶

1440. This Office reiterates that prior censorship, interference or direct or indirect pressure on any expression, opinion or information disseminated through any means of oral, written, artistic, visual or electronic communication must be prohibited by law. Restrictions on the free circulation of ideas and opinions, as well as the arbitrary imposition of information and the creation of obstacles to the free flow of information, violate the right to freedom of expression.³²⁸⁷

B. Freedom of expression, rule of law and democratic institutionalality

1441. In February 2023, the Special Rapporteur was informed of the decision of opposition sectors to protest against St. Lucia's accession to the Caribbean Court of Justice, which would imply that it would become the final court of appeal, thus replacing the *Privy Council*.³²⁸⁸ The opposition sectors would have argued that the process would require a wider consultation with the citizenry and the holding of a referendum to encourage public debate on the matter. For its part, the government has reportedly held informational meetings with the public on the implications of this constitutional change.³²⁸⁹

1442. In May 2023, this Office received reports that the opposition leader reportedly organized a "march for democracy" after being suspended from parliament and eventually reinstated after taking legal action against the Speaker of the House and the Attorney General.³²⁹⁰ The opposition leader reportedly filed an application with the High Court stating that no member of parliament could be suspended for an indefinite period, further alleging that the government would be "attempting to suppress civil liberties in contravention of the constitution."³²⁹¹ The parliamentarian was reportedly suspended for refusing to recant and apologize after accusing cabinet members of acts of corruption in the purchase of a piece of land without providing evidence.³²⁹²

1443. In October 2023, RELE was informed of new protests by the opposition, led by the *United Workers Party (UWP)*.³²⁹³ The organizers of the demonstration reportedly explained that the main reasons for the protest would include the state of *St. Jude Hospital*, the rising cost of living, as reflected in the increase in fuel and food prices, unemployment, the tax rate and alleged corruption.³²⁹⁴

1444. This Office recalls that public demonstrations are considered an exercise of freedom of expression, since the expression of opinions, dissemination of information and articulation of demands are

³²⁸⁵ The Voice St. Lucia, [Appeal to Media Not to Name Location of Murder was to Preserve Image of Destination, Hilaire](#), June 21, 2023.

³²⁸⁶ The Voice St. Lucia, [Appeal to Media Not to Name Location of Murder was to Preserve Image of Destination, Hilaire](#), June 21, 2023.

³²⁸⁷ IACHR, Declaration of Principles on Freedom of Expression, 2000.

³²⁸⁸ Caribbean Loop News, [UWP protest against Saint Lucian's CCI accession](#), February 27, 2023; St. Lucia Times, [Demonstrator Gather Outside Parliament Amid Saint Lucia's CCI Accession Move](#), February 28, 2023.

³²⁸⁹ Caribbean Loop News, [UWP protest against Saint Lucian's CCI accession](#), February 27, 2023; St. Lucia Times, [Demonstrator Gather Outside Parliament Amid Saint Lucia's CCI Accession Move](#), February 28, 2023.

³²⁹⁰ Nation News, [Chastanet leads 'March for Democracy' into Castries](#), May 30, 2023; The Voice St. Lucia, [Chastanet Returns to Parliament, Stages 'Walk for Democracy.'](#), May 31, 2023.

³²⁹¹ Nation News, [Chastanet leads 'March for Democracy' into Castries](#), May 30, 2023; The Voice St. Lucia, [Chastanet Returns to Parliament, Stages 'Walk for Democracy.'](#), May 31, 2023.

³²⁹² Caribbean Loop News, [I refuse to apologize: Chastanet reacts to being suspended from House](#), May 2, 2023; St. Lucia Times, [Parliament Suspends Allen Chastanet](#), May 3, 2023.

³²⁹³ St. Lucia Times, [UWP Calls On Saint Lucians To Join Protest March In Vieux Fort On Saturday](#), October 9, 2023; The Voice St. Lucia, [UWP Plans Protest March](#), October 4, 2023.

³²⁹⁴ St. Lucia Times, [UWP Calls On Saint Lucians To Join Protest March In Vieux Fort On Saturday](#), October 9, 2023; The Voice St. Lucia, [UWP Plans Protest March](#), October 4, 2023.

central objectives of protests.³²⁹⁵ Therefore, the authorities should facilitate the exercise of the right to demonstrate and protest as a general rule and should not consider them as a threat to public order or internal security.³²⁹⁶

1445. In February 2023, RELE received reports that the Leader of the Opposition reportedly requested the resignation of the Speaker of the House of Representatives. The Speaker reportedly urged the Leader of the Opposition to appear before the Committee of Privileges to respond to complaints of contempt by two government ministers, the Minister of Tourism and the Minister of Housing, for statements reportedly made against him.³²⁹⁷ In response, the Leader of the Opposition reportedly filed an injunction with the High Court to avoid appearing before the committee in question; both parties reportedly agreed that the Speaker would not have the power to refer to the Privileges Committee any complaint made by a member of the House of Representatives against another member regarding privilege or contempt.³²⁹⁸ In February, a High Court judge declared that the Speaker's referrals to the Privileges Committee would be null and void, and that he would have to bear the costs incurred by the Leader of the Opposition during the litigation.³²⁹⁹

1446. The Office of the Special Rapporteur recalls that public officials and public figures, in a democratic society, have a different threshold of protection, which exposes them to a greater degree to public scrutiny and criticism, which is justified by the public interest nature of the activities they perform, because they have voluntarily exposed themselves to more demanding scrutiny and because they have an enormous capacity to controvert information through their convening power³³⁰⁰.

1447. In June 2023, this Office was informed of the ruling of the *Privy Council*, the country's highest court of appeal, in favor of the leader of the opposition and the United Workers Party. According to the information available, the leader of the opposition, Allen Chastanet, then Prime Minister, is reportedly being sued for defamation by the current Minister of Tourism, Investment, Creative Industries, Culture and Information, Ernest Hilaire.³³⁰¹ The point of dispute would be whether the provisions of the UK Defamation Act 2013 would be applicable to St. Lucia; Chastanet would have cited the UK Defamation Act to justify his right to raise the allegations he made against Hilaire, while Hilaire would have cited the St. Lucia Defamation Act to sue Chastanet.³³⁰² The Court of Appeal, *Privy Council*, reportedly ruled that U.K. law would supersede St. Lucian law with respect to contracts, quasi-contracts and civil liability.³³⁰³ Minister Hilaire reportedly expressed concern that foreign laws "may override our Constitution, which says that only our Parliament can make laws for our country," thus affecting, according to the parliamentarian, St. Lucia's independence and sovereignty.³³⁰⁴

³²⁹⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, Social Protest and Human Rights, OEA/Ser.L/V/II IACHR/RELE/INF.22/19, September 2019, para. 18.

³²⁹⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, Social Protest and Human Rights, OEA/Ser.L/V/II CIDH/RELE/INF.22/19, September 2019, para. 339.

³²⁹⁷ St. Lucia Times, [Chastanet Calls For Resignation Of House Speaker Over Privileges Committee Matter](#), February 1, 2023; The Voice St. Lucia, [Chastanet Calls for Francis' Resignation as House Speaker](#), February 4, 2023.

³²⁹⁸ St. Lucia Times, [Chastanet Calls For Resignation Of House Speaker Over Privileges Committee Matter](#), February 1, 2023; The Voice St. Lucia, [Chastanet Calls for Francis' Resignation as House Speaker](#), February 4, 2023.

³²⁹⁹ St. Lucia Times, [Chastanet Calls For Resignation Of House Speaker Over Privileges Committee Matter](#), February 1, 2023; The Voice St. Lucia, [Chastanet Calls for Francis' Resignation as House Speaker](#), February 4, 2023.

³³⁰⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II CIDH/RELE/INF. 2/09, December 30, 2009, para. 40; IACHR, Annual Report 1994, Ch. V: Report on the compatibility between desacato laws and the ACHR, OEA/Ser. L/V/II.88, doc. 9 rev., Feb. 17, 1995.

³³⁰¹ The Voice St. Lucia, [Hilaire Consider s Privy Council in Defamation Case Against PM Chastanet](#), January 23, 2023; Caribbean Loop News, [Chastanet vindicated in landmark Privy Council court victory - UWP](#), June 15, 2023; The St. Lucia Star, [Privy Council Orders Hilaire to Pay Court Costs to Chastanet](#), July 20, 2023.

³³⁰² The Voice St. Lucia, [Hilaire Consider s Privy Council in Defamation Case Against PM Chastanet](#), January 23, 2023; Caribbean Loop News, [Chastanet vindicated in landmark Privy Council court victory - UWP](#), June 15, 2023; The St. Lucia Star, [Privy Council Orders Hilaire to Pay Court Costs to Chastanet](#), July 20, 2023.

³³⁰³ The Voice St. Lucia, [Hilaire Consider s Privy Council in Defamation Case Against PM Chastanet](#), January 23, 2023; Caribbean Loop News, [Chastanet vindicated in landmark Privy Council court victory - UWP](#), June 15, 2023; The St. Lucia Star, [Privy Council Orders Hilaire to Pay Court Costs to Chastanet](#), July 20, 2023.

³³⁰⁴ The Voice St. Lucia. June 14, 2023. [\[Statement\] Hilaire to Consult Lawyers Following Privy Council Ruling](#).

1448. In the second half of 2023, the Office of the Special Rapporteur followed with concern the pronouncement of a former member of parliament in the context of a wave of violence in the country. According to available information, Peter Josie, speaking at a United Workers Party press conference, reportedly claimed that if he were a politician he would have mobilized the residents of Vieux Fort, an epicenter of crime in the country, so that "no Labor Party politician could visit [it]," adding that "I wish someone, if not me, could mobilize the youth of Vieux Fort so that they would not kill each other, but I would tell them where the shooting should be."³³⁰⁵ Josie would have been criticized for inciting violence, for which the United Workers Party would have issued a statement acknowledging that Josie's words "may have been misinterpreted."³³⁰⁶ The opposition party also reportedly recounted eight alleged instances in which members of the government had incited political violence.³³⁰⁷

1449. This Office recalls that under the Inter-American system for the protection of human rights, there are certain speeches that are not protected by the right to freedom of expression: those that constitute incitement to violence or any other similar illegal action against any person or group of persons, for reasons that include race, color, religion, language or national origin, among others (Article 13.5 of the American Convention).³³⁰⁸

1450. Finally, during the course of the year, the Office of the Special Rapporteur became aware of an increase in violence on the island, particularly in southern communities due to the resurgence of gangs and a wave of homicides.³³⁰⁹ According to reports received by this Office, the Prime Minister reportedly introduced the *Suppression of Escalated Crime (Police Powers) Bill* as a legal instrument that would "establish a framework to preserve law and order, public safety and economic stability in St. Lucia."³³¹⁰ The bill, passed in the Lower House, would authorize the Minister of National Security, on the advice of the Commissioner of Police, to designate an area affected by high crime rates as an escalated crime area, authority to question citizens, block roads, remove vehicles, and inspect any property; in addition, new penalties of imprisonment of up to 15 years and fines of up to XCD\$50,000 would be incorporated.³³¹¹

1451. This Office reiterates that States have the obligation to adopt measures to prevent violence against journalists and media workers; this obligation is accentuated in situations or areas where there is or has been detected a special risk for journalists working in the media.³³¹²

C. Freedom of expression and the fight against discrimination and exclusion

1452. According to public information, while discrimination on the basis of race, sex, religion and other grounds on such grounds is generally prohibited in St. Lucia, the law would not provide full protection for LGBTI persons.³³¹³ For example, the island's labor code would prohibit the dismissal of employees based on their sexual orientation.³³¹⁴ Similarly, murders committed when sexual orientation is a motive can be

³³⁰⁵ St. Lucia Times, [UWP Reiterates Commitment To Citizen Safety After Peter Josie's Controversial Remarks](#), July 28, 2023; Caribbean Loop News, [Peter Josie denies inciting violence: Use votes as a weapon, not guns](#), August 1, 2023; The Voice St. Lucia, [Kenny Calls for Peter Josie Arrest Over Statements Made](#), August 2, 2023.

³³⁰⁶ St. Lucia Times, [UWP Reiterates Commitment To Citizen Safety After Peter Josie's Controversial Remarks](#), July 28, 2023; Caribbean Loop News, [Peter Josie denies inciting violence: Use votes as a weapon, not guns](#), August 1, 2023; The Voice St. Lucia, [Kenny Calls for Peter Josie Arrest Over Statements Made](#), August 2, 2023.

³³⁰⁷ St. Lucia Times, [UWP Reiterates Commitment To Citizen Safety After Peter Josie's Controversial Remarks](#), July 28, 2023; Caribbean Loop News, [Peter Josie denies inciting violence: Use votes as a weapon, not guns](#), August 1, 2023; The Voice St. Lucia, [Kenny Calls for Peter Josie Arrest Over Statements Made](#), August 2, 2023.

³³⁰⁸ IACHR, Violence against LGBTI persons, OAS/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015, para. 225.

³³⁰⁹ The Voice St. Lucia, [Police To Be Given 'Emergency Powers' in fight Against Crime](#), March 15, 2023; Caribbean Loop News, ['We need to empower the police to take immediate action.'](#), March 16, 2023; The Bubb Report, [The St. Lucia Crime Wave](#), March 26, 2023.

³³¹⁰ Caribbean Loop News, [Govt lawmakers strengthen authority of Police with Police Power Bills](#), March 17, 2023; The Voice St. Lucia, [Police Powers To Be Strengthened With New Bill](#), March 18, 2023.

³³¹¹ Government of St. Lucia, [GOVERNMENT LAWMAKERS STRENGTHEN THE AUTHORITY OF THE POLICE FORCE WITH NEW POLICE POWERS BILL](#), March 17, 2023.

³³¹² IACHR, Office of the Special Rapporteur for Freedom of Expression, Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, March 15, 2017, para. 155.

³³¹³ Freedom House, [Freedom in the World 2023: St. Lucia](#), June 21, 2023.

³³¹⁴ Freedom House, [Freedom in the World 2023: St. Lucia](#), June 21, 2023.

punishable by a life sentence.³³¹⁵ However, same-sex relationships could carry penalties of up to 10 years in prison under the 2004 penal code, although this provision of the penal code would not be applied frequently, according to information known to this Office.³³¹⁶ Additionally, LGBTI persons would face social prejudice. Other minorities, such as Rastafarians and Muslims, would also face social disadvantages, stigmatization, and harassment.³³¹⁷

1453. In late August, the Special Rapporteurship recorded that an LGBTI pride week was reportedly held on the island under the slogan "persist with pride."³³¹⁸ St. Lucia's pride committee reportedly organized a series of lesbian, gay, bisexual, transgender and *queer* community building and advocacy activities, including receptions, a health fair, a flag-raising ceremony, and a youth panel discussion, among others.³³¹⁹ The first official LGBT pride celebration in St. Lucia would have been held in 2019, making this its fifth edition.³³²⁰ With LGBTI pride week coinciding with emancipation month in St. Lucia, members of civil society reportedly expressed that such events would help highlight the struggles against discrimination of people with intersectional identities.³³²¹

1454. This Office reiterates that it is of particular importance that States adopt actions to guarantee the exercise of the right to freedom of expression of LGBTI persons and to empower those affected and made invisible by hate speech.³³²²

1455. The Special Rapporteur received information indicating that the Ministry of Public Service, Home Affairs, Gender and Labor is reportedly implementing the CARICOM Regional Gender Equality Strategy after participating in regional consultations and validation meetings.³³²³ Similarly, in other spaces, such as seminars, the need for inclusive and gender-sensitive approaches, laws and policies to address what would be perceived as a worsening of gender equality due to the lack of representation of women in public and private sectors, occupational segregation, the wage gap, the exclusion of indigenous women and other vulnerable groups in decision making, and the lack of funding for human rights groups would have been highlighted.³³²⁴ Among the initiatives proposed in 2023 to address gender-based violence and wage gaps in St. Lucia and the Caribbean would be comprehensive sex education and a child care policy, among others.³³²⁵

1456. On the occasion of International Women's Day, RELE learned that the Organization of American States (OAS), through the Inter-American Commission of Women (CIM), and the government of Saint Lucia, are reportedly jointly commemorating the day. Through an event in parliament with the participation of women with interest and experience in politics, governance and leadership, the OAS-CIM and the government of Saint Lucia would have explored strategies to empower women in the country and implement the recommendations suggested by the 2021 OAS Electoral Observation Mission of the OAS, with the objective of "removing barriers and creating enabling conditions for women's full and equal participation in politics and

³³¹⁵ Freedom House, [Freedom in the World 2023: St. Lucia](#), June 21, 2023.

³³¹⁶ Caribbean Loop News, [At a glance: Laws in the Caribbean region that criminalise gay sex](#), June 11, 2023; Freedom House, [Freedom in the World 2023: St. Lucia](#), June 21, 2023.

³³¹⁷ Freedom House, [Freedom in the World 2023: St. Lucia](#), June 21, 2023.

³³¹⁸ Caribbean Loop News, [Saint Lucia gears up for fifth annual LGBTQ+ Pride](#), August 21, 2023.

³³¹⁹ Caribbean Loop News, [Saint Lucia gears up for fifth annual LGBTQ+ Pride](#), August 21, 2023.

³³²⁰ Caribbean Loop News, [Saint Lucia gears up for fifth annual LGBTQ+ Pride](#), August 21, 2023.

³³²¹ Caribbean Loop News, [Saint Lucia gears up for fifth annual LGBTQ+ Pride](#), August 21, 2023.

³³²² IACHR, Violence against LGBTI persons, OAS/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015, para. 234.

³³²³ Government Information Service of Saint Lucia, [Saint Lucia moves closer to implementation of CARICOM Regional Gender Equality Strategy](#), July 26, 2023.

³³²⁴ Caribank, [Solutions on All Sides - Addressing Multiple Crises to End Gender Inequality in the Caribbean](#), June 21, 2023; The Voice St. Lucia, [Gender-responsive, inclusive approaches, needed to address Gender Inequality in the Caribbean](#), June 28, 2023.

³³²⁵ Caribbean Loop News, [Women in politics exercise held in Parliament to address gender gap](#), March 3, 2023; The Voice St. Lucia, [Saint Lucia and OAS hosted joint international Women's day event to Empower Local Women for Politics](#), March 18, 2023.

decision-making."³³²⁶ The event would have also commemorated the 95th anniversary of the CIM, highlighting that St. Lucia holds one of the vice presidencies for the 2022-2025 period.³³²⁷

1457. In October, the Rapporteurship was informed of the appointment of St. Lucian Senator Lisa C. Jawahir as the new vice president of the Parliamentary Network for Gender Equality (RPIG) of ParlAmericas, an association of parliamentarians in the Americas.³³²⁸ According to available information, the senator has been noted for her efforts to share St. Lucia's legislative initiatives on gender, climate resilience and food security.³³²⁹

1458. This Office recalls that States are under the obligation to adopt positive measures aimed at guaranteeing substantive equality for women in the exercise of freedom of expression and the transformation of institutions, systems, roles and stereotypes that perpetuate their inequality and exclusion from public debate.³³³⁰

1459. The Special Rapporteur was informed that Saint Lucia would have commemorated, for the second consecutive time, Emancipation Month in August.³³³¹ The decision to observe this month was reportedly welcomed by St. Lucia's National Reparations Committee as an opportunity to raise awareness of emancipation-related issues such as the period of slavery, its abolition, the repatriation of slaves, reparations for this practice and what would be termed the "native genocide," as well as the CARICOM 10-Point Plan for Restorative Justice.³³³² Activities to commemorate this month would have included drum and dance rituals, workshops, art fairs and exhibits, concerts, documentaries, lectures, and roundtable discussions, among others.³³³³ The month of emancipation would coincide with other relevant dates, such as the International Day of Indigenous Peoples (August 9), the International Youth Day (August 12), the International Day for the Remembrance and Condemnation of the Transatlantic Slave Trade (August 23) and the International Day of African Descendants (August 31), so the government and civil society would have organized events to commemorate each of these days.³³³⁴

1460. In August 2023, RELE recorded the unveiling of the first emancipation commemorative murals in St. Lucia. According to artist Alwyn St. Omer, his mural, titled "we are now free," would illustrate "symbols of St. Lucia's fascinating and beautiful landscape and people from its ancestral past," while embracing "who we are as a people in the current expression of that freedom."³³³⁵ Another mural, authored by Naja Simeon, titled "revolution, emancipation, celebration," would be "a representation of revolution, emancipation and celebration of St. Lucia's African heritage," and would highlight the life of "emancipation heroine," Petronille Dwine, "whose resistance led to the emancipation of slave women."³³³⁶ Members of the government

³³²⁶ Caribbean Loop News, [Women in politics exercise held in Parliament to address gender gap](#), March 3, 2023; The Voice St. Lucia, [Saint Lucia and OAS hosted joint international Women's day event to Empower Local Women for Politics](#), March 18, 2023.

³³²⁷ Caribbean Loop News, [Women in politics exercise held in Parliament to address gender gap](#), March 3, 2023; The Voice St. Lucia, [Saint Lucia and OAS hosted joint international Women's day event to Empower Local Women for Politics](#), March 18, 2023.

³³²⁸ Office of the Prime Minister of St. Lucia, [Senator Lisa Jawahir Elected as ParlAmericas' Vice President for Gender Equality in the Caribbean](#), October 4, 2023.

³³²⁹ Office of the Prime Minister of St. Lucia, [Senator Lisa Jawahir Elected as ParlAmericas' Vice President for Gender Equality in the Caribbean](#), October 4, 2023.

³³³⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Women Journalists and Freedom of Expression, OEA/Ser.L/V/II, IACHR/RELE/INF.20/18, October 31, 2018, para. 69.

³³³¹ Government Information Services of St. Lucia, [Emancipation celebrations launched](#), July 28, 2023; The Voice St. Lucia, [NCR Chair says Emancipation Month has 'Something for Everyone.'](#), August 5, 2023.

³³³² Government Information Services of St. Lucia, [Emancipation celebrations launched](#), July 28, 2023; The Voice St. Lucia, [NCR Chair says Emancipation Month has 'Something for Everyone.'](#), August 5, 2023.

³³³³ Government Information Services of St. Lucia, [Emancipation celebrations launched](#), July 28, 2023; The Voice St. Lucia, [NCR Chair says Emancipation Month has 'Something for Everyone.'](#), August 5, 2023.

³³³⁴ Government Information Services of St. Lucia, [Emancipation celebrations launched](#), July 28, 2023; The Voice St. Lucia, [NCR Chair says Emancipation Month has 'Something for Everyone.'](#), August 5, 2023.

³³³⁵ Saint Lucia Government Information Service, [Unveiling of the Emancipation Mural](#), August 24, 2023; The Voice St. Lucia, [Emancipation Day Murals Officially Unveiled](#), August 26, 2023.

³³³⁶ Saint Lucia Government Information Service, [Unveiling of the Emancipation Mural](#), August 24, 2023; The Voice St. Lucia, [Emancipation Day Murals Officially Unveiled](#), August 26, 2023.

and the *Cultural Development Foundation (CDF)* would have highlighted the role of art in fostering spaces of commemoration, representation and a sense of belonging.³³³⁷

1461. On the other hand, the Rapporteurship also recorded the commemoration of Creole *Heritage Month [Creole Heritage Month]* in October under the theme "Kwéyol-Wasin Pép-La" or "Creole: The Root of the People."³³³⁸ The month would highlight St. Lucian culture and heritage, in particular the role of Creole heritage in shaping the identity, history and language of the people of St. Lucia (a French and African dialect known as *Kwéyòll*).³³³⁹ According to available information, events, activities and exhibitions would be held throughout the island, seeking to highlight and preserve dance, musical, culinary and linguistic traditions, culminating with the *Jounen Kwéyòll* event on October 29.³³⁴⁰

1462. This Office welcomes efforts to promote and strengthen freedom of expression and association for groups of people historically discriminated against or marginalized.

D. Freedom of expression and the Internet

1463. In the first half of 2023, the Special Rapporteur was informed of the entry into force of the *Privacy and Data Protection Act through a proclamation order [commencement]*.³³⁴¹ With the above, the Act would extend to specific data controllers, because if they process data as a company in the country, or are not based in the country but process data in the country, their data processing activity would be regulated; the fundamental principles of data protection would include purpose limitation, accountability, adequacy of data safeguards, fairness and transparency of data processing; all data controllers would now be required to enforce various obligations with respect to the collection, processing and security of personal data; data controllers would be required to register with Saint Lucia's privacy regulator, the Data Protection Commissioner; finally, should a data controller fall within one of several circumstances identified by the Act, that controller or controller could be exempt from some or all of their obligations under the Act, such as national security, crime, taxation, domestic purposes, journalism, health, social work, research, statistics, historical research and matters covered by legal professional privilege.³³⁴²

1464. However, according to the information available, there would be no date for the entry into force of the remaining provisions, such as the data protection commissioner (part 2), the obligations of data controllers (part 4), the rights of data subjects and others (part 5), various additional provisions (part 8) and the oath of the Data Protection Commissioner (Annex 1).³³⁴³

1465. This Office reiterates that States have the obligation to respect and protect the right to privacy in the digital era and to adopt or adapt their legislation and practices to that effect, protecting all persons under their jurisdiction, which includes protection against possible arbitrary or abusive interference also with respect to third parties.³³⁴⁴ The Rapporteurship also recalls that States should adopt policies to prohibit the processing

³³³⁷ Saint Lucia Government Information Service, [Unveiling of the Emancipation Mural](#), August 24, 2023; The Voice St. Lucia, [Emancipation Day Murals Officially Unveiled](#), August 26, 2023.

³³³⁸ Caribbean Loop News, [Creole Heritage Month launched with theme Kwéyol-Wasin Pép-La](#), September 1, 2023; The Voice St. Lucia, [Weekend's Creole Month Celebrations Deemed a Success](#), October 5, 2023; Saint Lucia Travel, [St. Lucia Creole Day Festival 2023](#), undated.

³³³⁹ Caribbean Loop News, [Creole Heritage Month launched with theme Kwéyol-Wasin Pép-La](#), September 1, 2023; The Voice St. Lucia, [Weekend's Creole Month Celebrations Deemed a Success](#), October 5, 2023; Saint Lucia Travel, [St. Lucia Creole Day Festival 2023](#), undated.

³³⁴⁰ Caribbean Loop News, [Creole Heritage Month launched with theme Kwéyol-Wasin Pép-La](#), September 1, 2023; The Voice St. Lucia, [Weekend's Creole Month Celebrations Deemed a Success](#), October 5, 2023; Saint Lucia Travel, [St. Lucia Creole Day Festival 2023](#), undated.

³³⁴¹ Bartlett D. Morgan, [Saint Lucia brings its privacy law into force](#), March 24, 2023.

³³⁴² Bartlett D. Morgan, [Saint Lucia brings its privacy law into force](#), March 24, 2023.

³³⁴³ Bartlett D. Morgan, [Saint Lucia brings its privacy law into force](#), March 24, 2023.

³³⁴⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a Free, Open and Inclusive Internet, OEA/Ser.L/V/II. IACHR/RELE/INF.17/17, March 15, 2017, para. 131.

of data, including the storage, analysis, and disclosure of personal data except when they are legitimized to do so or when there is informed consent of the person concerned.³³⁴⁵

1466. In October 2023, the Rapporteurship was informed of the launch of the *Application of Information and Communication Technology (ICT) in Digital Capacity Building Project in Saint Lucia*.³³⁴⁶ The project, to be implemented between July 1, 2023 and June 30, 2027, would aim to build ICT skills and competencies to improve the island's human capital through a substantial increase in the provision of training to public and private sector employees in at least four *Digital Development Centres*.³³⁴⁷ According to a report by the Government of Saint Lucia's Human Capital Resilience Social Assessment Project, 44% of all employment opportunities would require applicants with certain ICT skills, and only 7% of the unemployed population would meet the required criteria, reflecting an imbalance between the supply and demand of skills in Saint Lucia's labor market.³³⁴⁸

1467. As part of the Caribbean Digital Transformation Project, more than 45 traders and distributors in St. Lucia have reportedly received ICT training to improve their computer skills, their ability to register web businesses, and increase their sales productivity through digital payment platforms.³³⁴⁹ The project would also improve Wi-Fi access and incorporate additional training to increase trade and expand business for these merchants.³³⁵⁰

1468. Since the second half of 2022, the Office of the Special Rapporteur has been closely following the project "Economically Empowered Women for Equitable and Resilient Societies," also known as the *Women's Economic Empowerment (WEE)* initiative.³³⁵¹ The initiative, according to information released by the Organization of American States, would be implemented in St. Lucia, as well as in Antigua and Barbuda, Dominica, Grenada, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines.³³⁵² It would aim to "strengthen the capacity of women-led small businesses to digitize, build an online presence and access financial services and international markets through e-commerce."³³⁵³ The project would be financially supported by the U.S. Permanent Mission to the OAS and Meta, and in partnership with participating OAS Member States, the Regional Center for the Promotion of MSMEs (CENPROMYPE) and the Inter-American Commission of Women (CIM).³³⁵⁴

1469. RELE was informed of the *Eastern Caribbean Telecommunications Authority's [ECTEL]* decision to organize a technology talk and training called "digital skills for life."³³⁵⁵ The event would be part of the commemoration of World Girls and Adolescents in ICT Day, celebrated annually on the fourth Thursday of April, and would aim to have females between the ages of 11 and 18 "propel them into careers in science,

³³⁴⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a Free, Open and Inclusive Internet, OEA/Ser.L/V/II. IACHR/RELE/INF.17/17, March 15, 2017, para. 205.

³³⁴⁶ The Voice St. Lucia, [Taiwan/Saint Lucia-sponsored ICT Capacity Building Project Launched](#), October 5, 2023; Government of St. Lucia, [Saint Lucia, Taiwan collaborate on digital capacity-building project](#), October 10, 2023.

³³⁴⁷ The Voice St. Lucia, [Taiwan/Saint Lucia-sponsored ICT Capacity Building Project Launched](#), October 5, 2023; Government of St. Lucia, [Saint Lucia, Taiwan collaborate on digital capacity-building project](#), October 10, 2023.

³³⁴⁸ The Voice St. Lucia, [Taiwan/Saint Lucia-sponsored ICT Capacity Building Project Launched](#), October 5, 2023; Government of St. Lucia, [Saint Lucia, Taiwan collaborate on digital capacity-building project](#), October 10, 2023.

³³⁴⁹ St. Lucia Times, [WATCH: Local Vendors Benefit From Computer Literacy Training](#), August 4, 2023; The Voice St. Lucia, [Local Vendors Benefit From Computer Literacy Training Workshop](#), August 5, 2023.

³³⁵⁰ St. Lucia Times, [WATCH: Local Vendors Benefit From Computer Literacy Training](#), August 4, 2023; The Voice St. Lucia, [Local Vendors Benefit From Computer Literacy Training Workshop](#), August 5, 2023.

³³⁵¹ OAS, [OAS launches Women's Economic Empowerment Project](#), August 30, 2022; Caribbean Loop News, [OAS advances women economic empowerment in the Caribbean](#), March 8, 2023.

³³⁵² OAS, [OAS launches Women's Economic Empowerment Project](#), August 30, 2022; Caribbean Loop News, [OAS advances women economic empowerment in the Caribbean](#), March 8, 2023.

³³⁵³ OAS, [OAS launches Women's Economic Empowerment Project](#), August 30, 2022; Caribbean Loop News, [OAS advances women economic empowerment in the Caribbean](#), March 8, 2023.

³³⁵⁴ OAS, [OAS launches Women's Economic Empowerment Project](#), August 30, 2022; Caribbean Loop News, [OAS advances women economic empowerment in the Caribbean](#), March 8, 2023.

³³⁵⁵ Eastern Caribbean Telecommunications Authority, [ECTEL Prepares to Stage Girls in ICT Virtual Tech Talk & Training](#), May 3, 2023.

technology, engineering and mathematics" through the development of skills to "become ICT users and creators in the digital world."³³⁵⁶

1470. This Office stresses that "digital literacy" is a process of fundamental importance in guaranteeing human rights, and a particularly necessary measure to protect and guarantee the rights to equality and non-discrimination.³³⁵⁷ "Digital literacy" refers to the set of skills, knowledge and attitudes that a person needs to be able to function in the information society and aims to develop skills and knowledge that allow them to "use technology effectively, developing new social and economic opportunities within the framework of their society".³³⁵⁸

1471. RELE also learned that the Eastern Caribbean Telecommunications Authority (ECTA) reportedly organized at least two events in St. Lucia. In March, the Board of Directors meeting was held, at which updates on the *Electronic Communications Bill*; an update on the *Quality of Service Regulation Framework*; a presentation of the *revised Guidelines for Management of ECTEL's Investment and Portfolio (Investment Policy Statement)* and a report on the *Integrated Spectrum Management and Monitoring System (ISMMS)* were presented.³³⁵⁹ In August, ECTEL reportedly held a forum with all *National Regulatory Telecommunications Commissions (NTRCs)* to discuss their strategic plans and budget allocations, as well as areas of collaboration and relevant issues being developed in each member state. ECTEL works with the NTRCs to promote consumer rights and benefits in the telecommunications sector in Dominica, Grenada, St. Kitts and Nevis, St. Lucia and St. Vincent and the Grenadines.³³⁶⁰

1472. Over the course of the year, the Special Rapporteur reportedly learned of multiple fake news and online scams in the country. The *1st National Bank* reportedly warned of the dissemination of a news article that sought to impersonate the *St. Lucia Times* and claimed that the banking institution was in a financial crisis in order to generate economic panic; both the bank and the media rejected this false news.³³⁶¹ Additionally, the police would have warned the public of a new online scam in the sale and purchase of vehicles, whereby buyers would be asked to make a deposit without first seeing the vehicle or registering it with the authorities.³³⁶²

1473. The Rapporteurship also learned of the St. Lucian government's rejection of social media posts that would undermine diplomatic relations with the United States. The Office of the Prime Minister and the Ministry of Foreign Affairs reportedly accused political opponents of sharing allegedly false information about the government and its ties with Washington.³³⁶³ The prime minister and the ministry in question would have asked citizens to protect themselves "against the consumption and sharing of such malicious content."³³⁶⁴

1474. This Office recalls that when resorting to liability mechanisms in the face of an alleged abuse of freedom of expression, the standard of assessment of "actual malice" must be applied, i.e., demonstrating

³³⁵⁶ Eastern Caribbean Telecommunications Authority, [ECTEL Prepares to Stage Girls in ICT Virtual Tech Talk & Training](#), May 3, 2023.

³³⁵⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a Free, Open and Inclusive Internet, OEA/Ser.L/V/II. IACHR/RELE/INF.17/17, March 15, 2017, para. 43.

³³⁵⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a Free, Open and Inclusive Internet, OEA/Ser.L/V/II. IACHR/RELE/INF.17/17, March 15, 2017, para. 42.

³³⁵⁹ Eastern Caribbean Telecommunications Authority, [ECTEL prepares for 94th Board of Directors Meeting in Saint Lucia](#), March 7, 2023.

³³⁶⁰ Eastern Caribbean Telecommunications Authority, [Electronic Communications Regulators Gather in Saint Lucia](#), August 10, 2023.

³³⁶¹ St. Lucia Times, [1st National Bank, St. Lucia Times Disclaim Fake News Post](#), May 17, 2023; The Voice St. Lucia, [Bank, Media House Disclaim Online 'Fake News' Post](#), May 17, 2023.

³³⁶² St. Lucia Times, [Police Issue New Warning After Two More People Fall Victim To Online Car Sale Scams](#), April 26, 2023; Caribbean Loop News, [Police warn citizens of vehicle scams being carried out online](#), May 18, 2023.

³³⁶³ Caribbean Loop News, [Govt calls out 'malicious' posts 'undermining diplomatic relations'](#), February 9, 2023; Caribbean Times, [UPDATE - St. Lucia Government wanders of plans to undermine St. Lucia-US relationship](#), February 11, 2023.

³³⁶⁴ Caribbean Loop News, [Govt calls out 'malicious' posts 'undermining diplomatic relations'](#), February 9, 2023; Caribbean Times, [UPDATE - St. Lucia Government wanders of plans to undermine St. Lucia-US relationship](#), February 11, 2023.

that the speaker did so with full intent to cause harm and with knowledge that false information was being disseminated or with evident disregard for the truth of the facts.³³⁶⁵

³³⁶⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II. IACHR/RELE/INF. 2/09, December 30, 2009, para. 109.

SURINAME

1475. In 2023, the Office of the Special Rapporteur received reports of at least two violent attacks against local journalists. Likewise, this Office recorded an alleged instance of stigmatization against two media outlets for their coverage of the Minister of the Interior, accused of having allegedly censored an artist during an event to commemorate the immigration of Javanese. In the first half of the year, RELE received reports of multiple demonstrations. In February, this Office learned of anti-government demonstrations in response to subsidy cuts in the midst of a period of high inflation, which reportedly resulted in the storming of the Surinamese parliament, looting and clashes with the security forces. In March, this Office was informed of another series of mobilizations to demand the reform of the electoral law in order to hold the 2025 elections without setbacks. In particular, the Rapporteurship took note of clashes between indigenous communities and state authorities in May over the extraction of natural resources in ancestral territories; according to public information, these clashes reportedly resulted in the destruction of infrastructure, multiple injuries and at least two deaths in what some allege was a summary execution. Tensions between the two sides would have remained high during the following weeks, leading to extraordinary sessions in parliament and new demonstrations by indigenous groups. With regard to freedom of expression and the fight against discrimination and exclusion, the Office of the Special Rapporteur was informed of the apparent lack of progress in the protection of indigenous communities and guarantees to exercise their rights, as well as the refusal to recognize same-sex marriage, which would constitute a form of discrimination against members of the LGBTI community. On the other hand, the Rapporteurship learned that the monarch of the Netherlands had apologized for the role of the crown in slavery in July, as had the prime minister months earlier. In the area of freedom of expression and the Internet, RELE was informed of the training of cyberanalysts and Suriname's accession to the EU-LAC Digital Alliance.

A. Journalism and democracy

1476. According to the Reporters Without Borders Press Freedom Index, Suriname would rank 48th out of 180, which would imply an improvement of four positions compared to 2022.³³⁶⁶ According to the organization, the national press would frequently publish reports critical of the government, which would occasionally lead to official pressure and intimidation against media workers and thus self-censorship.³³⁶⁷ On the occasion of World Press Freedom Day, the Special Rapporteur received a communiqué from the Surinamese Association of Journalists [*Surinaamse Vereniging van Journalisten (SVJ)*] stating that the improvement in the press freedom index would not be "a cause for optimism" at a time when "press freedom and the right to freedom of expression have been severely affected by alleged official pressures."³³⁶⁸ The Association also highlighted alleged cases of verbal harassment, threats to journalists and media, the destruction and snatching of equipment, and the burning of a cameraman's vehicle.³³⁶⁹

1477. The most recent information available to this Office suggests that there are at least 27 radio stations, 28 television stations, four newspapers, two dailies and nine digital media.³³⁷⁰ Likewise, the country would have more than fifty media workers.³³⁷¹

1478. In early 2023, the Special Rapporteur received the report on media literacy, misinformation and trust in the Caribbean media, published by the *Public Media Alliance (PMA)*, the largest global association

³³⁶⁶ Reporters Without Borders, [World Press Freedom Index: Suriname](#), 3 May 2023.

³³⁶⁷ Reporters Without Borders, [World Press Freedom Index: Suriname](#), 3 May 2023.

³³⁶⁸ De Ware Tijd, [SVJ bij herdenking Internationale dag van de persvrijheid: Geen reden tot optimisme, groei Suriname op index persvrijheid](#), May 3, 2023.

³³⁶⁹ De Ware Tijd, [SVJ bij herdenking Internationale dag van de persvrijheid: Geen reden tot optimisme, groei Suriname op index persvrijheid](#), May 3, 2023.

³³⁷⁰ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

³³⁷¹ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

of public media organizations; this report would have analyzed the situation in eight Caribbean countries.³³⁷² The report for Suriname would have four recommendations: invest in media literacy to educate citizens and ensure access to reliable information, especially in the interior of the country; promote collaboration with the government and the media to promote and implement media literacy campaigns; professionalize media workers through training to improve investigative journalism and news accuracy by verifying information; and counter disinformation by introducing proportionate measures that protect freedom of expression.³³⁷³

1479. So far this year, the Office of the Special Rapporteur recorded the publication of investigative journalism through the *Caribbean Investigative Journalism Network (CIJN)*. In June, *CIJN* published an investigation into the lack of transparency of oil exploration off the coast of Suriname. According to this latest publication, oil bids were reportedly conducted in secret, oil contracts and other documentation were hidden from the public despite more than six years of government promises to publish them, and freedom of information legislation had been delayed for more than a decade.³³⁷⁴

1480. The Office of the Special Rapporteur welcomes efforts to promote investigative journalism in the country and to investigate the state of freedom of expression and press freedom in the country, especially insofar as they identify obstacles and possible solutions.

1481. In mid-February, the Office of the Special Rapporteur received reports that the car of journalist and cameraman René Gompers, of the national media outlet *Starnieuws*, was reportedly destroyed during the protests in Independence Square.³³⁷⁵ Information received by this Office also indicates that his computer and other work equipment were reportedly stolen while Gompers was covering the demonstrations.³³⁷⁶ In view of the above, the Suriname Association of Journalists (SVJ) reportedly decided to raise funds to buy Gompers a new vehicle and replace his stolen equipment; the Vice President of the nation also reportedly offered Gompers a new vehicle, although the journalist refused, citing ethical principles of independence.³³⁷⁷ In the end, *Starnieuws* reportedly bought Gompers a new vehicle thanks to a discount from a dealer in the country, and the donations collected by the SVJ were reportedly disbursed in full to the journalist.³³⁷⁸

1482. Following these events, the Office of the Special Rapporteur was informed of the government's decision to hold a dialogue with the Suriname Association of Journalists (SVJ), as well as other civil society actors.³³⁷⁹ According to public information, the Association reportedly re-emphasized the importance of press freedom and the right to freedom of expression. However, the Association reportedly stated that, in addition to the citizen's duty to comply with laws and regulations, the government has a constitutional role to ensure that the citizen's right is not hindered and, at the same time, the safety of society and journalists is guaranteed.³³⁸⁰ The Police Commissioner reportedly participated in the dialogue to address issues of accreditation of journalists and their safety guarantees.³³⁸¹ The *SVJ* also reportedly referred to the need to distinguish between

³³⁷² Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2022.

³³⁷³ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2022.

³³⁷⁴ Caribbean Investigative Journalism Network, [Oil Secrets of Suriname: Public Largely in the Dark as Offshore Dreams Deferred](#), June 6, 2023.

³³⁷⁵ Surinaamse Vereniging van Journalisten (SVJ), [Inzamelingsactie auto René](#), March 2, 2023; Waterkant, [Inzamelingsactie voor journalist wiens auto in brand gestoken werd](#), March 2, 2023.

³³⁷⁶ Suriname Herald, [Starnieuws-journalist Gompers gaat niet in op aanbod vicepresident](#), March 8, 2023; GoFundMe, [Auto journalist René Gompers verbrand. Help!](#), May 10, 2023.

³³⁷⁷ Waterkant, [Ook 'Go Fund Me' inzamelingsactie voor journalist opgestart](#), March 6, 2023; GoFundMe, [Auto journalist René Gompers verbrand. Help!](#), May 10, 2023.

³³⁷⁸ GoFundMe, [Auto journalist René Gompers verbrand. Help!](#), May 10, 2023.

³³⁷⁹ Caribbean Loop News, [Surinamese President begins talks with civil society to ease tensions](#), February 27, 2023; St. Vincent times, [Talks between President and civil society groups begin in Suriname](#), February 27, 2023.

³³⁸⁰ Republiek Suriname, [SVJ deelt inzichten met regering](#), 27 February 2023; Waterkant, [SVJ wijst op belang persvrijheid en vrije meningsuiting tijdens dialoog](#), 27 February 2023; Suriname Nieuws, [SVJ benadrukt tijdens dialoog belang persvrijheid en vrije](#), 1 March 2023.

³³⁸¹ Republiek Suriname, [SVJ deelt inzichten met regering](#), 27 February 2023; Waterkant, [SVJ wijst op belang persvrijheid en vrije meningsuiting tijdens dialoog](#), 27 February 2023; Suriname Nieuws, [SVJ benadrukt tijdens dialoog belang persvrijheid en vrije](#), 1 March 2023.

freedom of expression and possible instances of defamation, incitement or other forms of violation of the right to freedom of expression in social networks, pointing out that such assessment should not be carried out by elected officials but by the Public Prosecutor's Office and independent courts, as established by the constitution.³³⁸²

1483. This Office recalls that communicators should not be detained for carrying out their work, nor harassed or attacked, and on the contrary, they should be protected when they are victims of acts of violence by third parties, and their equipment and materials should not be retained, confiscated or destroyed.³³⁸³ Therefore, it is the duty of the authorities to prevent any action that attempts to obstruct their work as long as the rights of third parties are not put at risk.³³⁸⁴

1484. In mid-August, RELE received reports that the president had asked the interior minister to apologize for his statements in Commewijne, in the framework of the celebration of Indigenous Day and the commemoration of 133 years of Javanese immigration.³³⁸⁵ According to available information, the public official reportedly accused two national media outlets, *Radio 10* and *De Ware Tijd*, of being racist and lacking in values.³³⁸⁶ The Suriname Association of Journalists reportedly welcomed the President's call for attention to the Minister of the Interior, although the former's apology was reportedly unsatisfactory for avoiding naming the two allegedly stigmatized media outlets.³³⁸⁷

1485. This Office reiterates that public officials should take care to ensure that their comments are accurate, avoid stigmatizing and discrediting the media by resorting to labels that refer to so-called "fake news" or other labels that discredit the media, and not threaten journalists or undermine respect for the independence of the media.³³⁸⁸

1486. At the end of October, this Office was informed of a possible attack against the radio station *Radio LIM FM*, located in the capital.³³⁸⁹ According to the Surinamese Association of Journalists (SVJ), unknown persons had reportedly attacked the station's premises, where its owner, manager and presenter Clifton Limburg and his family were also residing; therefore, the Association expressed its concern about what could be an intimidating attack.³³⁹⁰ Publicly available information would indicate that Limburg had served as a spokesperson for the previous government and that his radio program "Bakana Tori" was critical of the current administration.³³⁹¹ SVJ stated that the motive for the shooting would not be known, and appealed to the national authorities, especially the Ministry of Justice and Police, to conduct an investigation.³³⁹² The Minister

³³⁸² Republiek Suriname, [SVJ deelt inzichten met regering](#), 27 February 2023; Waterkant, [SVJ wijst op belang persvrijheid en vrije meningsuiting tijdens dialoog](#), 27 February 2023; Suriname Nieuws, [SVJ benadrukt tijdens dialoog belang persvrijheid en vrije](#), 1 March 2023.

³³⁸³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 356.

³³⁸⁴ IACHR, Annual Report 2005, Report of the Office of the Special Rapporteur for Freedom of Expression, Chapter V: Public Demonstrations as an Exercise of Freedom of Expression and Freedom of Assembly, OEA/Ser.L/V/II.124 Doc. 7, February 27, 2006, para. 101.

³³⁸⁵ StarNieuws, [Minister Somohardjo spuugt zijn gal over Radio 10 en dWT](#), 11 August 2023; De Ware Tijd, [Santokhi adviseert minister Somohardjo: 'Excuses aanbieden aan mediahuizen'](#), 16 August 2023.

³³⁸⁶ StarNieuws, [Minister Somohardjo spuugt zijn gal over Radio 10 en dWT](#), 11 August 2023; De Ware Tijd, [Santokhi adviseert minister Somohardjo: 'Excuses aanbieden aan mediahuizen'](#), 16 August 2023.

³³⁸⁷ De Ware Tijd, [SVJ zal geen 'gedragscode' afspreken met een minister](#), August 17, 2023.

³³⁸⁸ OAS, Guide to Guarantee Freedom of Expression in the Face of Deliberate Disinformation in Electoral Contexts, OEA/Ser.D/XV.22, 2019, p. 38 and 39.

³³⁸⁹ Caribbean Loop News, [Suriname: Media association condemns gunshots fired at radio station](#), October 25, 2023; StarNieuws, [SVJ wil snel duidelijkheid beschieting bij LIM FM](#), October 25, 2023.

³³⁹⁰ StarNieuws, [SVJ wil snel duidelijkheid beschieting bij LIM FM](#), October 25, 2023.

³³⁹¹ StarNieuws, [SVJ wil snel duidelijkheid beschieting bij LIM FM](#), October 25, 2023.

³³⁹² Caribbean Loop News, [Suriname: Media association condemns gunshots fired at radio station](#), October 25, 2023; SwissInfo, [Radio station critical of Suriname government attacked in Paramaribo](#), October 26, 2023.

of Justice reportedly condemned the attack, assuring that efforts would be made to solve the case and bring the perpetrators to justice.³³⁹³

1487. The Office of the Special Rapporteur recalls that it is crucial for States to comply with their obligation to investigate in order to find the perpetrators and masterminds of crimes against journalists, to ensure justice in the specific case, to avoid its repetition, and to avoid the inhibiting effect that violence has on communicators.³³⁹⁴

1488. Likewise, the Rapporteurship reiterates that States must guarantee that the exercise of journalism and, in general, the exercise of the right to freedom of expression can be carried out freely, allowing the existence of informed societies.³³⁹⁵

B. Freedom of expression, rule of law and democratic institutionalality

1489. According to civil society organizations, Suriname's constitution would guarantee freedom of the press and the country would have a diverse media landscape.³³⁹⁶ However, there would be a severe defamation law with penalties of up to seven years imprisonment for "hate speech" against the government.³³⁹⁷ Some journalists would also be affected by the phenomenon of self-censorship as a result of possible intimidation and pressure from public authorities.³³⁹⁸ The Suriname Association of Journalists also denounced that there would be an increase in the use of colonial defamation legislation, so that freedom of speech and press freedom would be affected more frequently.³³⁹⁹

1490. This Office has learned that the *Association of Caribbean Media Workers (ACM)* has expressed that there would be an "urgent need to repeal the criminal defamation laws," arguing that while they may not have been misused, they would still pose a threat to press freedom.³⁴⁰⁰ Likewise, the *MCL* and the *Caribbean Investigative Journalism Network (CIJN)* have expressed concern over the lack of a *Freedom of Information Act (FOIA)* despite the existence of drafts and bills from previous years; the alleged lack of access to information and public officials would, according to the *MCL* and *CIJN*, justify the enactment of this initiative.³⁴⁰¹

1491. This Office recalls that all Member States should review their defamation laws to ensure that they do not restrict the right to freedom of expression and are compatible with their international obligations.³⁴⁰² In particular, defamation laws should reflect the importance of open debate on issues of public interest, as well as the principle that public figures are obliged to submit to more intense criticism than private citizens, and laws that provide special protection for public figures, such as insult laws, should be repealed.³⁴⁰³

1492. Furthermore, this Office recalls that the right of access to information is a fundamental right protected by Article 13 of the American Convention. It is a particularly important right for the consolidation,

³³⁹³ Caribbean Loop News, [Suriname: Media association condemns gunshots fired at radio station](#), October 25, 2023; SwissInfo, [Radio station critical of Suriname government attacked in Paramaribo](#), October 26, 2023.

³³⁹⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, *Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión*, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, March 15, 2017, para. 31.

³³⁹⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, *Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión*, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, March 15, 2017, para. 152.

³³⁹⁶ Reporters Without Borders, [World Press Freedom Index: Suriname](#), May 3, 2023; Freedom House, [Freedom in the World 2023: Suriname](#), June 21, 2023.

³³⁹⁷ Reporters Without Borders, [World Press Freedom Index: Suriname](#), 3 May 2023.

³³⁹⁸ Reporters Without Borders, [World Press Freedom Index: Suriname](#), May 3, 2023; Freedom House, [Freedom in the World 2023: Suriname](#), June 21, 2023.

³³⁹⁹ De Ware Tijd, [SVJ bij herdenking Internationale dag van de persvrijheid: Geen reden tot optimisme, groei Suriname op index persvrijheid](#), May 3, 2023.

³⁴⁰⁰ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

³⁴⁰¹ Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023; Caribbean Investigative Journalism Network, [Oil Secrets of Suriname: Public Largely in the Dark as Offshore Dreams Deferred](#), June 6, 2023.

³⁴⁰² OAS, UN, OSCE, *Joint Declaration on Censorship through Murder and Defamation*, 2000.

³⁴⁰³ OAS, UN, OSCE, ACHPR, *Joint Declaration on Political Leaders, Public Officials and Freedom of Expression*, 2021.

functioning, and preservation of democratic systems.³⁴⁰⁴ Likewise, this Office reiterates that legislation regulating the right of access to public information should be broad in scope and that States should adopt the principle of maximum disclosure and good faith as guiding principles for the right of access to information in all areas of administration and government.³⁴⁰⁵

1493. In mid-February 2023, the Office of the Special Rapporteur was informed of a mobilization that allegedly ended in clashes with the security forces, an assault on parliament and looting.³⁴⁰⁶ According to available information, dozens of protesters reportedly forced their way into parliament, while hundreds more were involved in clashes with police.³⁴⁰⁷ The protests, originally peaceful according to initial reports, were reportedly in response to the government's announcement of austerity measures, such as cutting subsidies that would make electricity, fuel and water more expensive amid inflation of 58 percent.³⁴⁰⁸ Some demonstrators reportedly threw objects at the police and others were reportedly forced to enter the premises of the National Assembly, for which the police had to disperse those present with tear gas. There were also reportedly fires and looting of stores, resulting in at least 20 injured and the arrest of more than 50 demonstrators, according to the authorities.³⁴⁰⁹ The government reportedly condemned the violence and established a working group to locate those responsible for the assault on parliament. In addition, the government reportedly urged citizens to avoid traveling to the center of the capital and advised businesses to close as a precautionary measure due to the security situation.³⁴¹⁰

1494. The Office of the Special Rapporteur received complaints from the *SVJ* about alleged attacks on press freedom such as verbal intimidation of journalists, the destruction of their work equipment, the snatching of at least one telephone and the burning of a journalist's vehicle during the protests of February 17.³⁴¹¹ In this sense, the Association declared that the constitutional right to demonstrate should not "lead to situations in which people, states and private property are attacked, emphasizing that "journalists are first and foremost at the service of society," ending with a call to society to "reflect" and protect the right to freedom of expression and of the press.³⁴¹²

1495. At the end of March, the Office of the Special Rapporteur was informed of a new demonstration in Paramaribo, this time to demand the resignation of the president.³⁴¹³ According to available information, the demonstrators reportedly accused the president of seeking to postpone the 2025 elections, which could not be organized until legislators amend the electoral law to create a fairer voting system, as a court ruling had allegedly stipulated.³⁴¹⁴ The reform bill was reportedly presented by the president days before the protest, although protesters reportedly demanded that it be approved within a week.³⁴¹⁵ Following the protests in

³⁴⁰⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, *El derecho de acceso a la información en el marco jurídico interamericano*, OEA/Ser.L/V/II. IACHR/RELE/INF. 1/09, December 30, 2009, para. 1.

³⁴⁰⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, *Right to Information and National Security*, OEA/Ser.L/V/II. IACHR/RELE/INF.24/20, July 2020, recommendation No. 1.

³⁴⁰⁶ Associated Press, [Protesters storm Suriname parliament over high fuel prices](#), February 17, 2023; Reuters, [Protesters storm Suriname's parliament as anti-austerity rally turns chaotic](#), February 18, 2023.

³⁴⁰⁷ Associated Press, [Protesters storm Suriname parliament over high fuel prices](#), February 17, 2023; Reuters, [Protesters storm Suriname's parliament as anti-austerity rally turns chaotic](#), February 18, 2023.

³⁴⁰⁸ Associated Press, [Protesters storm Suriname parliament over high fuel prices](#), February 17, 2023; Reuters, [Protesters storm Suriname's parliament as anti-austerity rally turns chaotic](#), February 18, 2023.

³⁴⁰⁹ Reuters, [Protesters storm Suriname's parliament as anti-austerity rally turns chaotic](#), February 18, 2023; Associated Press, [Suriname: More arrests expected after anti-government riots](#), February 18, 2023.

³⁴¹⁰ Associated Press, [Protesters storm Suriname parliament over high fuel prices](#), February 17, 2023; Reuters, [Protesters storm Suriname's parliament as anti-austerity rally turns chaotic](#), February 18, 2023.

³⁴¹¹ Surinaamse Vereniging van Journalisten (SVJ), [SVJ veroordeelt vandalisme en aanval op journalisten tijdens protestactie](#), 18 February 2023.

³⁴¹² Surinaamse Vereniging van Journalisten (SVJ), [SVJ veroordeelt vandalisme en aanval op journalisten tijdens protestactie](#), 18 February 2023.

³⁴¹³ Associated Press, [Protesters in Suriname demand president resign](#), 24 March 2023; Jamaica Gleaner, [Protesters in Suriname demand resignation of president](#), 24 March 2023; Crisis24, [Suriname: Protests to be held nationwide March 24](#), 24 March 2023.

³⁴¹⁴ Associated Press, [Protesters in Suriname demand president resign](#), March 24, 2023; Jamaica Gleaner, [Protesters in Suriname demand resignation of president](#), March 24, 2023; Caribbean Loop News, [Suriname's 2025 elections secured with amendment of electoral law](#), October 15, 2023; Caribbean Times, [Suriname's 2025 elections were secured with the amendment of electoral law](#), October 17, 2023.

³⁴¹⁵ Associated Press, [Protesters in Suriname demand president resign](#), March 24, 2023; Jamaica Gleaner, [Protesters in Suriname demand resignation of president](#), March 24, 2023.

February, authorities reportedly set up barricades around the presidential office and parliament for this second demonstration.³⁴¹⁶

1496. This Office recalls that the peaceful and unarmed nature provided for in the inter-American instruments as a requirement for the exercise of the right of assembly does not enable a demonstration to be declared non-peaceful on the basis of the actions of some individuals. When some individuals commit acts of violence in the context of a protest they must be singled out, but the other demonstrators retain their right to peaceful assembly. Consequently, no gathering should be considered unprotected.³⁴¹⁷ In addition, in the context of social protest, States must refrain from engaging in practices of mass, collective or indiscriminate arrests.³⁴¹⁸ Finally, the use of force must conform to strict principles of exceptionality, necessity, progressiveness and proportionality.³⁴¹⁹

1497. On the other hand, the Office of the Special Rapporteur recorded tensions over the extraction of natural resources in ancestral territories, mobilizations organized by indigenous communities and confrontations with the security forces.

1498. On May 2, 2023, this Office learned that a group of unidentified armed individuals allegedly set fire to several logging trucks, the Pinkin Saron police station and a *Forestry Management Foundation checkpoint* near the Kalina indigenous village of Pikin Saron to protest against the granting and extension of logging and extractive concessions on lands and territories traditionally used and occupied by indigenous peoples.³⁴²⁰ Available information indicates that at least two police officers suffered gunshot wounds during the attack and that some *Grassalco* company employees were reportedly detained by the indigenous groups.³⁴²¹

1499. Following these alleged attacks, the Rapporteurship received reports that the police, with army reinforcements, chased the demonstrators in the surrounding area, including the village of Bigi Poika, and that the police fired live ammunition, resulting in the death of two indigenous demonstrators, Ivanildo Dijksteel and Martinus Wolfjager, and the wounding of several others.³⁴²² Some reports also indicate that the two victims were shot while handcuffed and that their bodies showed signs of ill-treatment, which could suggest a summary execution, which is why their families have demanded an autopsy and a thorough investigation.³⁴²³

³⁴¹⁶ Associated Press, [Protesters in Suriname demand president resign](#), March 24, 2023; Jamaica Gleaner, [Protesters in Suriname demand resignation of president](#), March 24, 2023.

³⁴¹⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 83.

³⁴¹⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, paras. 138 and 229.

³⁴¹⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 350.

³⁴²⁰ UN, Mandates of the Special Rapporteur on the rights of Indigenous Peoples; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, [Ref: AL SUR 1/2023](#), 26 July 2023.

³⁴²¹ Caribbean Broadcasting Corporation, [Suriname: Police station destroyed in riot](#), May 2, 2023; Guyana News Room, [Suriname riot: Two dead, Police station destroyed in indigenous village](#), May 2, 2023; Nationwide Radio, [Suriname Conflict: Police Station Destroyed During Fiery Early Morning Riot](#), May 3, 2023.

³⁴²² Guyana News Room, [Suriname riot: Two dead, Police station destroyed in indigenous village](#), May 2, 2023; Caribbean Loop News, [Two killed during riots in Suriname](#), May 3, 2023; Our Today, [Two tribe members killed during riot in Suriname](#), May 3, 2023.

³⁴²³ UN, Mandates of the Special Rapporteur on the rights of Indigenous Peoples; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, [Ref: AL SUR 1/2023](#), 26 July 2023; Caribbean Loop News, [Suriname: Relatives of indigenous men shot dead by police want probe](#), 2 June 2023; De Ware Tijd, [Dijksteel en Wolfjager vandaag na zeven weken naar laatste rustplaats](#), 24 June 2023.

1500. According to information received by this office, at least five people were reportedly arrested and detained. While in detention, they were allegedly threatened and forced to sign false statements about their participation in the protest.³⁴²⁴

1501. Since the reported incidents, the indigenous villages of Bigi Poika and Pikin Saron have reportedly been isolated by the authorities and monitored with drones by military and police forces to locate alleged protesters.³⁴²⁵ Allegations have also been made that the police allegedly stop, search and photograph villagers, while freedom of movement in the residential area is reportedly limited to employees of an extractive company and State agents.³⁴²⁶

1502. On May 2 and 7, 2023, the Association of Indigenous Village Leaders in Suriname [*De Vereniging van Inheemse Dorpshoofden in Suriname (VIDS)*], the institute of traditional authorities of all indigenous villages in Suriname, representing all indigenous peoples in Suriname, declared that it would not tolerate or support violence and destruction. Likewise, the organization would have added that it would see this outburst as a clear sign of the frustration of Indigenous peoples that stems from centuries of oppression and discrimination and the denial of internationally recognized collective human rights of Indigenous peoples, even in spite of three binding judgments of the IACHR.³⁴²⁷

1503. Available information indicates that on the afternoon of May 2, 2023, *VIDS* representatives reportedly held an emergency meeting with government representatives, including the Ministers of Foreign Affairs, International Business and International Cooperation; of Defense, Justice and Police; and of Territorial Policy and Forest Management; as well as the District Commissioner of Pará and Advisor to the Presidency, to discuss the situation and avoid further escalation of tensions.³⁴²⁸ According to the Minister of Territorial Policy and Forestry Management, the government has reportedly initiated a process to withdraw the extension of a logging concession.³⁴²⁹ Both parties also agreed to end search and arrest operations and the voluntary surrender of suspects in the presence of third parties, including the United Nations.

1504. On May 4, 2023, the Special Rapporteur learned that Parliament had reportedly discussed issues related to the collective rights of indigenous and tribal peoples. The National Assembly reportedly reconvened a public meeting on the Indigenous and Tribal Peoples' Land Rights Bill on May 11, but it could not be held due to a lack of quorum.³⁴³⁰ The next meeting on the bill would have been held on May 16, although the consensus would have been that they required substantive revisions. The Housing and Habitat Protection Act would stipulate that no land concessions could be granted within a certain radius of indigenous and tribal peoples' areas and although this Act was approved, it was not enacted.³⁴³¹

1505. In the following days, the Rapporteurship learned that the President, in a statement to Parliament, reported that the investigation into the May 2 incident was ongoing and that the government would

³⁴²⁴ UN, Mandates of the Special Rapporteur on the rights of Indigenous Peoples; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, [Ref: AL SUR 1/2023](#), 26 July 2023.

³⁴²⁵ UN, Mandates of the Special Rapporteur on the rights of Indigenous Peoples; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, [Ref: AL SUR 1/2023](#), 26 July 2023.

³⁴²⁶ Suriname Herald, [Bewoners Pikin Saron voelen zich onveilig](#), May 17, 2023; SNC, [VIDS ontstemd over situatie rond Pikin Saron](#), May 17, 2023.

³⁴²⁷ UN, Mandates of the Special Rapporteur on the rights of Indigenous Peoples; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, [Ref: AL SUR 1/2023](#), 26 July 2023.

³⁴²⁸ DBS Suriname, [Spoedoverleg regering met inheemse vertegenwoordigers](#), May 3, 2023; Caribbean Loop News, [Suriname Govt holds emergency talks with indigenous leaders after riot](#), May 3, 2023.

³⁴²⁹ DBS Suriname, [Spoedoverleg regering met inheemse vertegenwoordigers](#), May 3, 2023; Caribbean Loop News, [Suriname Govt holds emergency talks with indigenous leaders after riot](#), May 3, 2023.

³⁴³⁰ De Ware Tijd, [Geen quorum voor grondenrechtenvergadering DNA](#), May 11, 2023; United News, [VHP hield verdere behandeling wet grondenrechten tegen](#), May 15, 2023.

³⁴³¹ UN, Mandates of the Special Rapporteur on the rights of Indigenous Peoples; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, [Ref: AL SUR 1/2023](#), 26 July 2023.

take action against the perpetrators of the crimes described. He also added that internal security had been compromised and that a team of ministers had been appointed to consult with indigenous peoples and address the complaints.³⁴³²

1506. The National Reparations Commission reportedly concluded, as far as this Office was able to learn, that the events of May 2 were the result of the poor socio-economic circumstances of the population, and advised the authorities to develop an action plan to meet their needs and provide a timetable to address and eventually resolve the disadvantages that exist within the indigenous communities in a sustainable manner.³⁴³³

1507. On May 13, RELE was informed of the decision of hundreds of indigenous people from several villages to organize a peaceful protest in Paramaribo, the capital, to demand the recognition and protection of their rights, including their rights to lands, territories and resources.³⁴³⁴ Likewise, several indigenous groups have reportedly declared their intention to sue the State to guarantee their rights.³⁴³⁵

1508. This Office recalls that the protection and guarantee of the right to protest deserve special attention when it is expressed by underrepresented or marginalized sectors or groups that face institutional frameworks that do not favor their participation, or serious barriers to access to other forms of mass communication.³⁴³⁶

1509. The Office of the Special Rapporteur recalls that the American Convention on Human Rights protects the right to protest. In this sense, States have the duty to adopt the necessary measures to prevent acts of violence, guarantee the security of persons and public order. However, when using force in these contexts, States must adopt measures proportional to the achievement of these objectives and not arbitrarily obstruct the exercise of the rights at stake in the protests.³⁴³⁷

1510. In particular, the use of force must conform to strict principles of exceptionality, necessity, progressiveness and proportionality. By virtue of these principles, the use of firearms with lethal ammunition is almost never justified in the context of demonstrations, and it is therefore recommended that their use by security agents be restricted in these operations.³⁴³⁸

1511. The Office of the Special Rapporteur also recalls that when the use of force by law enforcement officers causes death or injury, independent and impartial authorities should open an ex officio investigation with the necessary tools to determine the facts within a reasonable period of time and identify the persons involved and their degrees of responsibility.³⁴³⁹

C. Freedom of expression and the fight against discrimination and exclusion

1512. In July, the Office of the Special Rapporteur received reports alleging that artist Maroef Amatstam was the victim of censorship during a concert in Independence Square in Paramaribo on the occasion

³⁴³² StarNieuws, [DNA vraagt respect voor Inheemse en tribale volken](#), May 5, 2023.

³⁴³³ StarNieuws, [Verklaring Inheemsen over incidenten Pikin Saro](#), May 7, 2023; Waterkant, [Solidariteitsverklaring Federatie van Para Plantages](#), May 9, 2023.

³⁴³⁴ Caribbean National Weekly, [Suriname: Native Amerindians hold protest demonstration](#), May 15, 2023; 284 Media, [Native Amerindians Protest Marginalisation in Suriname](#), May 16, 2023.

³⁴³⁵ SwissInfo, [Suriname indigenous groups to sue government for land rights](#), May 17, 2023; Caribbean Loop News, [Indigenous tribes prepare lawsuit against Surinamese government](#), May 18, 2023.

³⁴³⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 16.

³⁴³⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 12.

³⁴³⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 350.

³⁴³⁹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 359.

of Sasi Sura, the Javanese New Year, one of the most important dates for this ethnic minority in the country.³⁴⁴⁰ According to these reports, a high-level public official allegedly asked the singer to stop after singing the original version of the song "Libi kon tranga now" for allegedly being considered an attack against the government, which the artist denied.³⁴⁴¹ The information available indicates that the Minister of Interior and the singer had agreed before the concert that a modified version of the song would be sung, so the last minute change would have generated discomfort.³⁴⁴² The government would have committed to "bilaterally" resolve the incident "in order to address it in a constructive manner."³⁴⁴³ The home affairs minister reportedly accused at least two media outlets of popularizing the song after this alleged censorship and criticizing him, arguing that they would lack values and be racist in seeking to offend the Javanese people; the official reportedly apologized after receiving several criticisms, including from within the government.³⁴⁴⁴

1513. This Office recalls that prior censorship, interference or direct or indirect pressure on any expression, opinion or information disseminated through any means of oral, written, artistic, visual or electronic communication must be prohibited by law. Restrictions on the free flow of ideas and opinions, such as the arbitrary imposition of information and the creation of obstacles to the free flow of information, violate the right to freedom of expression.³⁴⁴⁵

1514. According to public information, the Kalina and Lokono Indigenous Peoples in the District of Pará have traditionally used and inhabited ancestral territories, considered essential to guarantee their cultural and physical survival.³⁴⁴⁶ Despite the existence of an agreement with the State through which the latter has committed to establish legal mechanisms to protect the lands of indigenous peoples through demarcation and titling, as well as a draft law on collective rights of indigenous and tribal peoples, as of the closing date of this annual report, Suriname has not adopted a legal framework to recognize the collective rights of indigenous peoples to their lands, territories and resources, nor has it carried out the demarcation or titling of their territories.³⁴⁴⁷

1515. In this regard, in 2015, in the case of *Kalina and Lokono vs. Suriname*, the IACHR demanded that the State of Suriname grant the indigenous and tribal peoples of Suriname legal recognition of collective legal personality; establish an effective mechanism for the delimitation, demarcation and titling of their territories; adopt domestic remedies to ensure effective collective access to justice for indigenous and tribal peoples; and ensure the effective participation, through a consultation process, of indigenous and tribal peoples.³⁴⁴⁸ According to available information, the sentence has not yet been executed.³⁴⁴⁹

1516. The State of Suriname has granted several concessions, and extensions of existing concessions, to extractive companies, including the state-owned *NV Grasshopper Aluminum Company (Grassalco)*, on lands

³⁴⁴⁰ De Ware Tijd, [Kabinet president benadrukt belang artistieke vrijheid en vrije meningsuiting](#), 23 July 2023; Waterkant, [Maroef Amatstam vertelt waarom hij stopte met zingen van 'Libi kon Tranga now'](#), 23 July 2023.

³⁴⁴¹ De Ware Tijd, [Kabinet president benadrukt belang artistieke vrijheid en vrije meningsuiting](#), 23 July 2023; Waterkant, [Maroef Amatstam vertelt waarom hij stopte met zingen van 'Libi kon Tranga now'](#), 23 July 2023.

³⁴⁴² StarNieuws, [Somohardjo: Maroef heeft zich niet gehouden aan afspraak](#), 23 July 2023; Waterkant, [Maroef Amatstam vertelt waarom hij stopte met zingen van 'Libi kon Tranga now'](#), 23 July 2023.

³⁴⁴³ De Ware Tijd, [Kabinet president benadrukt belang artistieke vrijheid en vrije meningsuiting](#), July 23, 2023.

³⁴⁴⁴ SNC, ['Libi kon tranga now' voor derde week nummer 1 bij Radio 10](#), 13 August 2023; Waterkant, ['Libi kon tranga now' voor vierde week nummer 1 bij Radio 10](#), 20 August 2023.

³⁴⁴⁵ IACHR, Declaration of Principles on Freedom of Expression, 2000.

³⁴⁴⁶ UN, Mandates of the Special Rapporteur on the rights of Indigenous Peoples; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, [Ref: AL SUR 1/2023](#), 26 July 2023.

³⁴⁴⁷ UN, Mandates of the Special Rapporteur on the rights of Indigenous Peoples; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, [Ref: AL SUR 1/2023](#), 26 July 2023.

³⁴⁴⁸ I/A Court H.R., Case of Kaliña and Lokono Peoples v. Suriname, Merits, Reparations and Costs, Judgment of November 25, 2015, Series C No. 309, para. 279.

³⁴⁴⁹ UN, Mandates of the Special Rapporteur on the rights of Indigenous Peoples; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, [Ref: AL SUR 1/2023](#), 26 July 2023.

and territories traditionally used and occupied by the Kalina and Lokono indigenous peoples.³⁴⁵⁰ The concessions were allegedly granted without consulting the indigenous peoples with a view to obtaining their free and prior informed consent, despite their strong opposition to the concessions. In addition, available information indicates that several companies, including Grassalco, are allegedly operating illegally outside their respective concession areas, to the detriment of indigenous ancestral territories. There are reportedly 31 active logging concessions in the Pará district, and the Minister of Territorial Policy and Forestry reportedly signed seven extensions in July 2022, including a five-year extension of a logging concession near the indigenous village of Pikin Sharon.³⁴⁵¹

1517. On several occasions, the Kalina and Lokono indigenous peoples have communicated their opposition and concerns to the authorities, especially through petitions to Parliament. The government has reportedly committed to address issues related to land conflicts and indigenous peoples' rights on several occasions, but no effective measures have materialized.³⁴⁵²

1518. For this reason, indigenous peoples have repeatedly mobilized in Suriname. The Office of the Special Rapporteur recalls that protest as a form of participation in public affairs is especially relevant for groups of people historically discriminated against or marginalized.³⁴⁵³

1519. Despite some legal guarantees for LGBTI persons in Suriname since at least 2015, members of this community still face discrimination, harassment and even abuse by the police.³⁴⁵⁴ In early 2023, the Special Rapporteur learned that Suriname's Central *Bureau for Civil Affairs* [*Centraal Bureau voor Burgerzaken (CBB)*] had refused to recognize the marriage certificate of a Surinamese same-sex couple in Argentina, and the couple had filed a petition with the Constitutional Court to examine possible discrimination under Article 80 of the civil code.³⁴⁵⁵ The Constitutional Court, while arguing that the civil code would need to be updated, did not find it to be discriminatory against the LGBTI population.³⁴⁵⁶

1520. However, the Special Rapporteurship recorded that on October 28, a pride parade was reportedly held in the country's capital, which was reportedly part of Suriname's Pride Month, with the objective of "drawing attention to equal rights for all, increasing the visibility of LGBTI persons and emphasizing commitment to diversity and inclusion."³⁴⁵⁷

1521. This Office recalls that the promotion and protection of the right to freedom of expression must be combined with efforts to combat intolerance, discrimination, hate speech and incitement to violence, in particular with the promotion of proactive public policies for social inclusion in the media and to ensure that LGBTI individuals and communities can realize their right to freedom of expression without discrimination. All

³⁴⁵⁰ UN, Mandates of the Special Rapporteur on the rights of Indigenous Peoples; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, [Ref: AL SUR 1/2023](#), 26 July 2023.

³⁴⁵¹ UN, Mandates of the Special Rapporteur on the rights of Indigenous Peoples; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, [Ref: AL SUR 1/2023](#), 26 July 2023.

³⁴⁵² UN, Mandates of the Special Rapporteur on the rights of Indigenous Peoples; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, [Ref: AL SUR 1/2023](#), 26 July 2023.

³⁴⁵³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 23.

³⁴⁵⁴ Freedom House, [Freedom in the World 2023: Suriname](#), June 21, 2023; Equaldex, [LGBT Rights in Suriname](#), October 29, 2023.

³⁴⁵⁵ De Ware Tijd, [LGBTQIA-gemeenschap krijgt bittere pil te slikken](#), February 1, 2023; United News Suriname, [CONSTITUTIONEEL HOF STELT CBB IN GELIJK VOOR NIET ACCEPTEREN HUWELIJK TUSSEN TWEE MANNEN](#), February 1, 2023.

³⁴⁵⁶ De Ware Tijd, [LGBTQIA-gemeenschap krijgt bittere pil te slikken](#), February 1, 2023; United News Suriname, [CONSTITUTIONEEL HOF STELT CBB IN GELIJK VOOR NIET ACCEPTEREN HUWELIJK TUSSEN TWEE MANNEN](#), February 1, 2023.

³⁴⁵⁷ De Ware Tijd, [Diversiteit en inclusie troef Pride Walk 2023](#), October 27, 2023; Suriname Herald, [Pride Month Suriname viert gelijke rechten en inclusie met Pride Walk](#), October 27, 2023.

of these efforts must be strictly in line with international human rights law in general, and freedom of expression standards in particular.³⁴⁵⁸

1522. Midway through the year, the Special Rapporteur was informed of the decision of the Dutch monarch Willem-Alexander to apologize for the role of the crown in slavery, including in former colonies such as Suriname. On December 19, 2022, the prime minister of the Netherlands would have apologized for the state's role in slavery, and on July 1, 2023, on the 160th anniversary of the abolition of slavery in the Dutch empire, the king would have done the same on behalf of the Dutch monarchy.³⁴⁵⁹ In a speech, the monarch would have recognized that "slavery and the slave trade are recognized as crimes against humanity. And the leaders and kings of the House of Orange-Nassau did nothing to prevent it."³⁴⁶⁰ Because of the above, King Willem-Alexander reiterated that he would have commissioned an independent study to determine the precise role played by the House of Orange-Nassau "in our country's colonial past and the history of slavery."³⁴⁶¹

1523. The Special Rapporteurship was informed that, following the apology by the Prime Minister of the Netherlands in December 2022, the government of the Netherlands would have made available 200 million euros "in a fund for measures to raise awareness, foster engagement and address the ongoing effects of slavery."³⁴⁶² Additionally, the government explained that the programming of activities and allocation of funds would be carried out in "consultation with descendants and other relevant parties."³⁴⁶³ However, this Office received reports that the President of Suriname reportedly argued that the fund should not be considered the end of the process and that the expectation of corresponding reparations would continue.³⁴⁶⁴

D. Freedom of expression and the Internet

1524. In the first half of the year, the Rapporteurship received reports indicating that a group of 13 people were trained as cyberanalysts to protect the information systems of public and private entities.³⁴⁶⁵

1525. In July 2023, RELE learned that the government of Suriname had agreed to join the establishment of the Digital Alliance between the European Union and Latin America and the Caribbean.³⁴⁶⁶ According to a joint statement, the alliance would provide regular dialogue and cooperation on digital issues for the benefit of citizens in the signatory countries.³⁴⁶⁷ The EU-LAC Digital Alliance would promote cooperation on digital policy dialogue, Internet governance, data governance, infrastructure, connectivity, cybersecurity and cybercrime, data protection, artificial intelligence and other emerging digital technologies, skills development, entrepreneurship and innovation, digital trade, and space-related activities such as Copernicus Earth observation data and Galileo/EGNOS satellite navigation applications and services.³⁴⁶⁸

³⁴⁵⁸ IACHR, Violence against LGBTI persons, OAS/Ser.L/V/II.rev.2 Doc. 36, 12 November 2015, para. 221.

³⁴⁵⁹ Government of the Netherlands, [Government apologies for the Netherlands' role in the history of slavery](#), 19 December 2022; Associated Press, [King of the Netherlands apologizes for country's role in slavery on 150th anniversary of abolition](#), 1 July 2023; BBC News, [Dutch King Willem-Alexander apologizes for country's role in slavery](#), 1 July 2023.

³⁴⁶⁰ Royal House of the Netherlands, [Speech by King Willem-Alexander at the commemoration of the role of the Netherlands in the history of slavery, Oosterpark, Amsterdam](#), July 1, 2023.

³⁴⁶¹ Royal House of the Netherlands, [Speech by King Willem-Alexander at the commemoration of the role of the Netherlands in the history of slavery, Oosterpark, Amsterdam](#), July 1, 2023.

³⁴⁶² Government of the Netherlands, [Government apologies for the Netherlands' role in the history of slavery](#), 19 December 2022.

³⁴⁶³ Government of the Netherlands, [Government apologies for the Netherlands' role in the history of slavery](#), 19 December 2022.

³⁴⁶⁴ Caribbean Loop News, [Suriname says processing slavery past does not stop at €200M](#), July 19, 2023; Caribbean Today, [Santokhi Says 200 Million Euros Promised by Dutch is Not an End to Reparations Process](#), July 21, 2023.

³⁴⁶⁵ De Ware Tijd, [Defensie versterkt met dertien cyberanalisten](#), March 5, 2023.

³⁴⁶⁶ European Commission, [EU-Latin America and Caribbean: Joint Declaration on a Digital Alliance](#), July 17, 2023.

³⁴⁶⁷ European Commission, [EU-Latin America and Caribbean: Joint Declaration on a Digital Alliance](#), July 17, 2023.

³⁴⁶⁸ European Commission, [EU-Latin America and Caribbean: Joint Declaration on a Digital Alliance](#), July 17, 2023.

TRINIDAD AND TOBAGO

1526. In 2023, the Office of the Special Rapporteur was informed that some journalists were denied access to the Prime Minister's press conferences, which the local media association reportedly protested. The Office of the Special Rapporteur also received reports of alleged criticism by union leaders and public officials of the national media for their coverage of events of public interest. On the other hand, this Office learned of multiple advances in defamation lawsuits; at least one against the media outlet *Trinidad Express* was dismissed, although another would remain pending until the final ruling of a judge in March 2024. In addition, new lawsuits were reportedly filed against a singer-songwriter and an alleged *whistleblower* in a case involving the Prime Minister and the Chief Clerk of the Tobago House of Assembly. The country's courts have also reportedly ordered two citizens to retract defamatory Facebook posts and compensate their victims; the State has also been asked to compensate a cameraman who was allegedly unlawfully arrested while reporting on a crime scene. As in previous years, RELE registered multiple protests, particularly in relation to labor rights and the lack of water supply in several localities. With regard to freedom of expression and the fight against discrimination and exclusion, this Office recorded activities to commemorate LGBTI Pride Month which, however, were reportedly marred by the murder of a member of the community and calls for censorship of LGBTI literature. Finally, on matters of freedom of expression and the Internet, the Office of the Special Rapporteur was informed of a significant increase in the number of cyber-attacks, for which the authorities reportedly urged citizens and all organizations with an online presence to take precautionary measures. The government has also reportedly decided to store all its data in the country to strengthen its security and resilience.

A. Journalism and democracy

1527. Like other countries in the region, the Office of the Special Rapporteur took note of the decline of Trinidad and Tobago in the World Press Freedom Index of *Reporters Without Borders* (RSF).³⁴⁶⁹ The country is reported to have dropped from 25th to 30th position, which would still place it among the countries with the greatest freedom in the Americas and the first in the Caribbean.³⁴⁷⁰

1528. The Rapporteurship continued to record a diverse and pluralistic media landscape. The country reportedly has at least 37 radio stations, five television stations, three digital media, and approximately one million Internet users, close to 80 percent of the population.³⁴⁷¹ The country would also have two groups representing the media and the journalistic profession: the *Trinidad and Tobago Publishers and Broadcasters Association (TTPBA)*, composed of media owners and managers and primarily focused on regulatory and legislative advocacy and consultation; and the *Media Association of Trinidad and Tobago (MATT)*, a representative body for media workers.³⁴⁷²

1529. In January 2023, the Special Rapporteurship received the report on media literacy, disinformation and trust in the Caribbean media, published by the *Public Media Alliance (PMA)*, the largest global association of public media organizations; this report would have analyzed the situation in eight Caribbean countries.³⁴⁷³ The Trinidad and Tobago report would have three recommendations, including combating misinformation through an assessment of the information ecosystem that identifies the sources of false or misrepresented information, distribution channels, and the most common topics; promoting digital and media literacy in schools and through educational campaigns for adults, training citizens in the verification

³⁴⁶⁹ Reporters Without Borders, [World Press Freedom Index: Trinidad and Tobago](#), 3 May 2023.

³⁴⁷⁰ Reporters Without Borders, [World Press Freedom Index: Trinidad and Tobago](#), May 3, 2023; Caribbean Loop News, [Caribbean countries decline on World Press Freedom Index](#), May 3, 2023; Our News, [Caribbean Declines on World Press Freedom Index](#), May 4, 2023.

³⁴⁷¹ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2022; Association of Caribbean Media Workers, [Report: Through the Pandemic: State of the Caribbean Media Report 2022](#), January 31, 2023.

³⁴⁷² Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2022.

³⁴⁷³ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2022.

of information; and strengthening trust in the media through training journalists in the verification of information and the use of social networks.³⁴⁷⁴

1530. Also, earlier this year, the Rapporteurship received reports that multiple independent media workers were reportedly denied access to cover press conferences from the Prime Minister's office.³⁴⁷⁵ Although this type of restrictions have occurred during the last three years due to the COVID-19 pandemic, reporters from *AZP News*, *98.1 FM* and *104.7 MORE FM* reportedly stated that this time it was because they did not belong to "big" traditional media or because they had not been "selected and invited" by the Prime Minister's office.³⁴⁷⁶ In view of these facts, the *Media Association of Trinidad and Tobago [Association of Trinidad and Tobago (MATT)]* has asked the authorities to socialize the official criteria for access to press conferences, stating that all journalists in practice should have access to them.³⁴⁷⁷ If social distancing is a concern, as it was during the pandemic, the need to alternate journalists for access "should be the norm," according to *MATT*.³⁴⁷⁸ In response, the Prime Minister reportedly stated that he would preserve his right to invite traditional media, not those who "label themselves as media" as such, and that all information of public interest would, by law, always be distributed through the official *gazette*.³⁴⁷⁹

1531. The Rapporteurship also recorded other instances in which public officials reportedly refused to answer questions from journalists. In August, the Minister of Energy and member of the National Security Council reportedly walked away from a reporter after he asked about his decision to donate a weapon to the national police, a matter that was reportedly controversial with opposition members and supporters.³⁴⁸⁰

1532. Finally, RELE received information suggesting that the leader of the *Joint Trade Union Movement (JTUM)* reportedly criticized Trinidad and Tobago news editors for allegedly cutting and editing the union's statements and demonstrations to portray it negatively.³⁴⁸¹ RELE also learned that the secretary general of the *National Trade Union Centre (NATUC)* reportedly stated that workers' associations would understand "who controls the media," pointing to the alleged lack of independence of the local media.³⁴⁸²

1533. This Office recalls that it is legitimate for politicians and public officials to make criticisms, corrections or objections to specific media reports. However, when they do so, they should always take care to ensure that their comments are accurate, avoid stigmatizing and discrediting the media, and not threaten journalists or undermine respect for the independence of the media.³⁴⁸³

1534. Furthermore, this Office recalls that States should ensure that mechanisms, such as accreditation systems, are in place to allow journalists free access to places (such as parliament) and events (such as press conferences) to gather information on matters of public interest for the purpose of informing the general public, that they are independent and non-discriminatory, including on the basis of political opinion; whose assignment and eventual withdrawal of accreditation is based on justifiable and objective

³⁴⁷⁴ Public Media Alliance, [Situation Report: Media literacy, disinformation & misinformation in the Caribbean](#), December 12, 2022.

³⁴⁷⁵ Media Association of Trinidad & Tobago, [MATT restates call for clearer criteria at government press conferences](#), January 14, 2023; Trinidad Express, [Media houses denied entry: MATT cries foul](#), January 14, 2023.

³⁴⁷⁶ Media Association of Trinidad & Tobago, [MATT restates call for clearer criteria at government press conferences](#), January 14, 2023; Trinidad Express, [Media houses denied entry: MATT cries foul](#), January 14, 2023.

³⁴⁷⁷ Media Association of Trinidad & Tobago, [MATT: Clarify government press conference invite criteria](#), January 14, 2023; Trinidad Express, [Media houses denied entry: MATT cries foul](#), January 14, 2023.

³⁴⁷⁸ Media Association of Trinidad & Tobago, [MATT: Clarify government press conference invite criteria](#), January 14, 2023; Trinidad Express, [Media houses denied entry: MATT cries foul](#), January 14, 2023.

³⁴⁷⁹ Trinidad and Tobago Guardian, [PM only inviting mainstream media to pressers at Diplomatic Centre](#), January 17, 2023; Caribbean Loop News, [PM Rowley comments on MATT statement over media access](#), January 17, 2023; Jamaica Gleaner, [PM Rowley defends press freedom in Trinidad and Tobago](#), January 17, 2023; Newsday, [PM invites media for cocktails, defends invitation record for news conferences](#), January 18, 2023.

³⁴⁸⁰ CNC3, [Steupsing Stuart sidesteps gun issue questions](#), August 25, 2023; Trinidad Express, [Young setups at media](#), August 26, 2023.

³⁴⁸¹ Newsday, [Roget: News editor portrays trade unions in 'worst possible light'](#), June 9, 2023.

³⁴⁸² Newsday, [Roget: News editor portrays trade unions in 'worst possible light'](#), June 9, 2023.

³⁴⁸³ OAS, UN, OSCE, ACHPR, Joint Declaration on Media Independence and Diversity in the Digital Age, 2018.

criteria, and not on editorial or critical stance or journalistic independence; and whose accreditation limits are based on justifiable and objective criteria, such as limited space at the venue, and respect and facilitate diversity.³⁴⁸⁴ In addition, at press conferences, political leaders and public officials should treat participants with respect and ensure that they have an equal opportunity to ask questions.³⁴⁸⁵

1535. This year, the Special Rapporteurship learned that the *Media Institute of the Caribbean (MIC)*, alternately based in Trinidad and Tobago, has announced its participation in the *Media Viability Accelerator*, a partnership between *Internews*, *Microsoft* and the *U.S. Agency for International Development (USAID)* to help the press become more financially sustainable.³⁴⁸⁶ According to the organizations behind the accelerator, this initiative would help reverse the trend of media closures due to the disruption of traditional business models.³⁴⁸⁷ According to public information, the accelerator would consist of a web platform where media outlets could access solutions and expertise free of charge.³⁴⁸⁸

1536. As of the closing date of this annual report, the Office of the Special Rapporteur has been monitoring the work and initiatives of the *Association of Caribbean Media Workers (ACM)*, registered in Trinidad and Tobago. In March, RELE learned that the 11th Biennial General Assembly was held in Georgetown, Guyana, to elect a new executive board for the organization on its 22nd anniversary; Surinamese journalist Harvey Panka was reportedly elected as president of the *ACM*.³⁴⁸⁹ In May, on the occasion of International Press Freedom Day, the *MCL* reportedly expressed concern about unilateral communication by public officials through social media "as a clear avoidance of scrutiny [of journalists] at press conferences and interviews."³⁴⁹⁰ For the above, the association would have urged Caribbean decision-makers "to put an end to this practice" that would deprive the public of information and result in "dysfunctional societies."³⁴⁹¹

1537. In the context of World Press Freedom Day on May 3, 2023, the Media Association of Trinidad and Tobago (MATT) issued a statement noting its concern about the alleged lack of access to press briefings and information of public interest.³⁴⁹² The association also reportedly listed the legislation it would be monitoring closely for its possible chilling effect on freedom of the press: the *Financial Intelligence Act*; the *Integrity in Public Life Act*; the *Integrity in Public Life Act*; the *Criminal Libel and Defamation Act*; and the *Cybercrime Bill*.³⁴⁹³

1538. The Office of the Special Rapporteur welcomes the efforts of media associations and members of the press to seek the financial sustainability of the media ecosystem, increase the number of trainings available, and advocate for the interests of the guild because of its public function.

1539. In September 2023, the Office of the Special Rapporteur received a statement from the Media Association of Trinidad and Tobago following comments by the Attorney General that, according to the journalists' association, raised questions about the regulation and oversight of journalism in the country.³⁴⁹⁴ According to public information, the Attorney General reportedly stated that the media had a responsibility to "be truthful, objective and accountable," asking who should be held accountable for media accountability.³⁴⁹⁵ The Association reportedly called the Attorney General's comments "provocative" for suggesting that the press

³⁴⁸⁴ OAS, UN, OSCE, ACHPR, Joint Declaration on Political Leaders, Public Officials and Freedom of Expression, 2021.

³⁴⁸⁵ OAS, UN, OSCE, ACHPR, Joint Declaration on Political Leaders, Public Officials and Freedom of Expression, 2021.

³⁴⁸⁶ MATT, [MIC participates in panel introducing Media Viability Accelerator](#), April 10, 2023.

³⁴⁸⁷ MATT, [MIC participates in panel introducing Media Viability Accelerator](#), April 10, 2023.

³⁴⁸⁸ MATT, [MIC participates in panel introducing Media Viability Accelerator](#), April 10, 2023.

³⁴⁸⁹ X account of Association of Caribbean Media Workers (@ACMediaWorkers), [March 13, 2023](#).

³⁴⁹⁰ Association of Caribbean Media Workers, [Statement by the Association of Caribbean Media Workers to mark World Press Freedom Day 2023](#), May 2, 2023.

³⁴⁹¹ Association of Caribbean Media Workers, [Statement by the Association of Caribbean Media Workers to mark World Press Freedom Day 2023](#), May 2, 2023.

³⁴⁹² MATT, [On World Press Freedom Day, 2023](#), May 3, 2023.

³⁴⁹³ MATT, [On World Press Freedom Day, 2023](#), May 3, 2023.

³⁴⁹⁴ MATT, [MATT responds to AG's questions about regulation and oversight](#), September 8, 2023; Caribbean Loop News, [MATT, PRATT respond to AG's comments on press oversight](#), September 11, 2023.

³⁴⁹⁵ MATT, [MATT responds to AG's questions about regulation and oversight](#), September 8, 2023; Caribbean Loop News, [MATT, PRATT respond to AG's comments on press oversight](#), September 11, 2023.

should be regulated and supervised by outsiders, asserting that media workers would have the ability to self-regulate.³⁴⁹⁶ *MATT* also reportedly explained that existing legal regimes would address the most serious abuses of the right to freedom of expression, and that it would remain the duty of public officials to operate with "greater transparency and accessibility" so that journalists can do their work.³⁴⁹⁷

1540. This Office recalls that there are many voluntary mechanisms through which the media can raise the level of professionalism and ethical accountability to the public without the State having to impose legal restrictions and sanctions.³⁴⁹⁸ In general, attempts to regulate "media accountability" are open to manipulation and abuse by public authorities who may not be impartial when it comes to the media. The threat of legal sanctions for journalistic decisions based essentially on subjective issues or professional judgments would also have a chilling effect on the media, preventing the dissemination of information of legitimate public interest.³⁴⁹⁹

1541. Given their importance in informing and facilitating debate on politics and other matters of public interest and maintaining public confidence, the media can take effective measures to ensure that they are subject to publicly accessible self-regulatory, co-regulatory or statutory complaints systems that set minimum professional standards for, among other things, accurate reporting of news and current affairs, respect for diversity and avoidance of coverage that promotes intolerance.³⁵⁰⁰

1542. In mid-2023, the Rapporteurship received information indicating that the governing party, the *People's National Movement (PNM)*, owed half a million dollars, in local currency, to the national television network, *Trinidad and Tobago Television (TTT)*.³⁵⁰¹ According to information now in the public domain, requested through the *Freedom of Information Act* by an opposition supporter, the *PNM* has not paid the respective payment for political broadcasts made between October 2020 and November 2022 to July 21, 2023.³⁵⁰² For its part, the request for information would point out that the *PNM* would not have benefited from any free transmissions.³⁵⁰³ The TV channel would have also clarified that its editorial guidelines would require journalists not to express their political opinions, not to carry out electoral activities on behalf of candidates or parties, and to review the content broadcasted for defamation.³⁵⁰⁴ Finally, the network would have expressed the legitimacy of other political parties and independent candidates.³⁵⁰⁵

1543. This Office recalls that States must adopt specific legal rules on official advertising at each of their levels of government. The lack of a specific and adequate legal framework for defining the objectives, allocation, contracting and control of government advertising allows for the arbitrary use of these resources to the detriment of freedom of expression.³⁵⁰⁶

1544. Finally, so far in 2023, RELE recorded the publication of investigative journalism in Trinidad and Tobago through the *Caribbean Investigative Journalism Network (CIJN)*. In April, *CIJN* published a report on the government's response to domestic and intra-family violence during the pandemic, concluding that it had

³⁴⁹⁶ *MATT*, [MATT responds to AG's questions about regulation and oversight](#), September 8, 2023; Caribbean Loop News, [MATT, PRATT respond to AG's comments on press oversight](#), September 11, 2023.

³⁴⁹⁷ *MATT*, [MATT responds to AG's questions about regulation and oversight](#), September 8, 2023; Caribbean Loop News, [MATT, PRATT respond to AG's comments on press oversight](#), September 11, 2023.

³⁴⁹⁸ IACHR, RELE 2005 Annual Report, Report of the Office of the Special Rapporteur for Freedom of Expression, Chapter VI: Freedom of Expression and Electoral Processes: the case of opinion polls and exit polls, 2005, para. 45.

³⁴⁹⁹ IACHR, Annual Report 2001, Report of the Office of the Special Rapporteur for Freedom of Expression, Chapter IV: Ethics in the Media, 2002, para. 2.

³⁵⁰⁰ OAS, UN, OSCE, ACHPR, Joint Declaration on Political Leaders, Public Officials and Freedom of Expression, 2021.

³⁵⁰¹ Trinidad Express, [PNM owes TTT \\$5M](#), July 31, 2023.

³⁵⁰² Trinidad Express, [PNM owes TTT \\$5M](#), July 31, 2023.

³⁵⁰³ Trinidad Express, [PNM owes TTT \\$5M](#), July 31, 2023.

³⁵⁰⁴ Trinidad Express, [PNM owes TTT \\$5M](#), July 31, 2023.

³⁵⁰⁵ Trinidad Express, [PNM owes TTT \\$5M](#), July 31, 2023.

³⁵⁰⁶ IACHR, Principles on the Regulation of Official Advertising in the Inter-American System for the Protection of Human Rights, 2011, para. 34.

been insufficient.³⁵⁰⁷ Likewise, in August, *CIJN* published an investigation on the illegal trafficking of arms via Venezuela and the impact it would have on the homicide rate in the islands.³⁵⁰⁸

1545. This Office welcomes the efforts to consolidate investigative journalism in the country, highlighting its role in strengthening accountability and providing input for a plural, informed and democratic public debate.

B. Freedom of expression, rule of law and democratic institutions

1546. According to multiple experts, freedom of the press is a constitutionally guaranteed and widely respected right in Trinidad and Tobago.³⁵⁰⁹ The media would be mostly privately owned and pluralistic, although some considered more favorable to the government would receive the lion's share of state advertising, according to the latest *Freedom House* report.³⁵¹⁰ In October 2023, this Office received the *Privy Council's* opinion on whether the *Sedition Act* in the country would impose "disproportionate and unjustified restrictions on, among other things, freedom of expression, including freedom of thought and expression and freedom to express political views" to render it unconstitutional.³⁵¹¹ The opinion would have determined that the colonial law would not be inconsistent with the constitution, although it would have clarified that the crime of sedition would only be committed when there is an intent to incite violence or disorder.³⁵¹²

1547. However, the Rapporteurship has received reports that, under the 2013 *Defamation and Libel Act*, penalties for "malicious libel known to be false" would carry up to two years' imprisonment and a fine, although such sentences would be rare.³⁵¹³ That said, measures to ensure the rights of journalists would have been strengthened in 2021 following a Supreme Court ruling that overturned police search warrants to access the home and office of a journalist working for the *Trinidad Express* newspaper.³⁵¹⁴

1548. With respect to defamation lawsuits, RELE was informed of a judge's decision to dismiss a claim filed by former police commissioner Gary Griffith against the *Trinidad Express*.³⁵¹⁵ The original lawsuit reportedly followed the publication of articles written by journalist Denyse Renne and Ricky Ramdassen in October 2020 about the alleged irregular issuance of firearms licenses [*Firerearm User's Licenses (FULs)*].³⁵¹⁶ The judge reportedly ruled that the published articles were the product of responsible journalism, so they would be protected by the "Reynolds privilege," the term coined in the *common law* legal system to refer to a ruling that would provide a degree of protection for responsible journalism in the gathering, verification and publication of information of public interest.³⁵¹⁷ The former police commissioner had allegedly argued that the articles had damaged his good name and adversely affected his performance of his duties.³⁵¹⁸ However, the

³⁵⁰⁷ Caribbean Investigative Journalism Network, [Domestic Violence Response During Covid](#), April 28, 2023.

³⁵⁰⁸ Caribbean Investigative Journalism Network, [Guns and Murders - the Deadly Connection](#), August 2, 2023.

³⁵⁰⁹ Reporters Without Borders, [World Press Freedom Index: Trinidad and Tobago](#), May 3, 2023; Freedom House, [Freedom in the World 2023: Trinidad and Tobago](#), June 21, 2023.

³⁵¹⁰ Freedom House, [Freedom in the World 2023: Trinidad and Tobago](#), June 21, 2023.

³⁵¹¹ Privy Council, [Attorney General of Trinidad and Tobago \(Respondent\) v Vijay Maharaj Substituted on behalf of the Estate of Satnarayan Maharaj for Satnarayan Maharaj and another \(Trinidad and Tobago\)](#), October 12, 2023.

³⁵¹² Privy Council, [Attorney General of Trinidad and Tobago \(Respondent\) v Vijay Maharaj Substituted on behalf of the Estate of Satnarayan Maharaj for Satnarayan Maharaj and another \(Trinidad and Tobago\)](#), October 12, 2023.

³⁵¹³ Freedom House, [Freedom in the World 2023: Trinidad and Tobago](#), June 21, 2023.

³⁵¹⁴ Reporters Without Borders, [World Press Freedom Index: Trinidad and Tobago](#), 3 May 2023.

³⁵¹⁵ Trinidad Express, [Judge: Reporter Renne practiced responsible journalism](#), April 23, 2023; AZP News, [Griffith Loses to Express in FUL Defamation Case](#), May 17, 2023; Nationwide Radio, [Garry Griffith Ordered to Pay Newspaper's Legal Fees After Losing Defamation Suit](#), May 19, 2023.

³⁵¹⁶ Trinidad Express, [Judge: Reporter Renne practiced responsible journalism](#), April 23, 2023; AZP News, [Griffith Loses to Express in FUL Defamation Case](#), May 17, 2023; Nationwide Radio, [Garry Griffith Ordered to Pay Newspaper's Legal Fees After Losing Defamation Suit](#), May 19, 2023.

³⁵¹⁷ Trinidad Express, [Judge: Reporter Renne practiced responsible journalism](#), April 23, 2023; AZP News, [Griffith Loses to Express in FUL Defamation Case](#), May 17, 2023; Nationwide Radio, [Garry Griffith Ordered to Pay Newspaper's Legal Fees After Losing Defamation Suit](#), May 19, 2023.

³⁵¹⁸ Trinidad Express, [Judge: Reporter Renne practiced responsible journalism](#), April 23, 2023; AZP News, [Griffith Loses to Express in FUL Defamation Case](#), May 17, 2023; Nationwide Radio, [Garry Griffith Ordered to Pay Newspaper's Legal Fees After Losing Defamation Suit](#), May 19, 2023.

ruling held that the journalists had taken steps to verify the information and had published in full the responses provided by Griffith and the police service denying the allegations.³⁵¹⁹ The ruling would also require the former commissioner to cover the legal expenses incurred by the media outlet and its journalists.³⁵²⁰

1549. Separately, the Rapporteurship was informed of a judge's decision to set March 8, 2024 for delivery of her ruling on a defamation suit filed by an opposition *United National Congress (UNC)* MP against the Prime Minister, the *Trinidad Express* media outlet, its editor-in-chief, Omatie Lyder, and reporter Anna Ramdass, after the latter gave testimony in early October 2023.³⁵²¹ The article that would have given rise to the lawsuit would be based on an exchange of WhatsApp messages in 2020 in which the Prime Minister would have allegedly linked the opposition MP to an allegedly illegal purchase of a plot of land while the latter was Minister of Housing in the past administration.³⁵²² The complainant would argue that the media journalist did not contact the MP before publishing the story. The journalist, for her part, reportedly pointed out that her investigations had involved multiple allegations of corruption and that the congressman was not the focus of her work.³⁵²³

1550. Likewise, in March 2023, RELE learned that businessman Inshan Ishmael had sued singer Weston "Cro Cro" Rawlins for defamation and the *Copyright Organisation of T&T (COTT)*.³⁵²⁴ According to available information, the singer-songwriter allegedly composed and sang a song that allegedly "named, identified and attacked" the businessman, thereby encouraging others to "attack the plaintiff verbally and physically and to abstain financially from his business."³⁵²⁵ The song would also have been used to promote events on radio, social media and *YouTube*, for which the businessman would have sued *COTT* in parallel for ignoring that the song would be allegedly defamatory and failing to discontinue permission to perform and air it.³⁵²⁶ The lawsuit would seek general and aggravated damages for injury to his character and the businessman's apparent loss of business profits, as well as an injunction preventing Rawlins from performing the song and distributing it.³⁵²⁷ A judge would have granted an injunction to the plaintiff for Rawlins to refrain from performing the portions of the song that could be considered defamatory, asserting that the court would not allow permissive commentary narratives whose content is "divisive, derogatory, misleading, deceptive, dishonest or defamatory."³⁵²⁸ The judge would also have argued that art would not be a "creative license" to "engage in ill-informed or unfounded attacks that may decimate an individual's character or integrity."³⁵²⁹

³⁵¹⁹ Trinidad Express, [Judge: Reporter Renne practiced responsible journalism](#), April 23, 2023; AZP News, [Griffith Loses to Express in FUL Defamation Case](#), May 17, 2023; Nationwide Radio, [Garry Griffith Ordered to Pay Newspaper's Legal Fees After Losing Defamation Suit](#), May 19, 2023.

³⁵²⁰ Trinidad Express, [Judge: Reporter Renne practiced responsible journalism](#), April 23, 2023; AZP News, [Griffith Loses to Express in FUL Defamation Case](#), May 17, 2023; Nationwide Radio, [Garry Griffith Ordered to Pay Newspaper's Legal Fees After Losing Defamation Suit](#), May 19, 2023.

³⁵²¹ Trinidad Express, [Judge sets March 8 for ruling](#), October 11, 2023; Trinidad & Tobago Guardian, [March 2024 ruling in Moonilal's defamation suit against PM](#), October 11, 2023.

³⁵²² Trinidad Express, [Judge sets March 8 for ruling](#), October 11, 2023; Trinidad & Tobago Guardian, [March 2024 ruling in Moonilal's defamation suit against PM](#), October 11, 2023.

³⁵²³ Trinidad Express, [Judge sets March 8 for ruling](#), October 11, 2023; Trinidad & Tobago Guardian, [March 2024 ruling in Moonilal's defamation suit against PM](#), October 11, 2023.

³⁵²⁴ Trinidad Express, [Ishan takes legal action against Cro Cro](#), February 14, 2023; Trinidad & Tobago Guardian, [Ishan sues Cro Cro for defamation](#), March 18, 2023; Newsday, [Judge orders Cro Cro to sing 'sanitised version' of song or face contempt charge](#), March 18, 2023.

³⁵²⁵ Trinidad Express, [Ishan takes legal action against Cro Cro](#), February 14, 2023; Trinidad & Tobago Guardian, [Ishan sues Cro Cro for defamation](#), March 18, 2023; Newsday, [Judge orders Cro Cro to sing 'sanitised version' of song or face contempt charge](#), March 18, 2023.

³⁵²⁶ Trinidad Express, [Ishan takes legal action against Cro Cro](#), February 14, 2023; Trinidad & Tobago Guardian, [Ishan sues Cro Cro for defamation](#), March 18, 2023; Newsday, [Judge orders Cro Cro to sing 'sanitised version' of song or face contempt charge](#), March 18, 2023.

³⁵²⁷ Newsday, [Judge orders Cro Cro to sing 'sanitised version' of song or face contempt charge](#), March 18, 2023; Trinidad & Tobago Guardian, [Ishmael wants Cro Cro Cro to ask citizens not to repost controversial song](#), April 7, 2023.

³⁵²⁸ Newsday, [Judge orders Cro Cro to sing 'sanitised version' of song or face contempt charge](#), March 18, 2023; Trinidad & Tobago Guardian, [Ishmael wants Cro Cro Cro to ask citizens not to repost controversial song](#), April 7, 2023.

³⁵²⁹ Newsday, [Judge orders Cro Cro to sing 'sanitised version' of song or face contempt charge](#), March 18, 2023; Trinidad & Tobago Guardian, [Ishmael wants Cro Cro Cro to ask citizens not to repost controversial song](#), April 7, 2023.

1551. In May 2023, the Rapporteurship received reports of the opposition leader's decision to sue the Prime Minister for defamation, as well as all media outlets that broadcast her statements, demanding a retraction and public apology.³⁵³⁰ In late April, the Prime Minister allegedly accused the opposition leader of insinuating that people of African descent were committing crimes against people of Indian descent.³⁵³¹ In response, the MP reportedly called the accusation "irresponsible" and defamatory "of her character."³⁵³²

1552. In July 2023, this Office was informed of the Prime Minister's decision to issue a letter of pre-action protocol for defamation against Akil Abdullah, who was allegedly the *whistleblower* in an alleged conspiracy by the President, members of the ruling party, and the Commissioner of Police to discredit the Chief Clerk of the Tobago *House of Assembly (THA)*, Farley Augustine, and other members of the *THA* administration.³⁵³³ The Prime Minister reportedly demanded an unconditional retraction, a public apology to the media, an undertaking not to repeat the alleged libel, and the payment of damages.³⁵³⁴ According to public information, Abdullah alleged in a private meeting with Augustine that he had received payments of hundreds of thousands of dollars, in local currency, to participate in the alleged conspiracy against him; these allegations were secretly recorded by Augustine.³⁵³⁵ Abdullah's allegations were made after an audio was leaked in which the Chief Secretary allegedly discussed the use of official funds for third parties to share political propaganda.³⁵³⁶ Augustine reportedly asked the authorities to investigate the allegations of Abdullah, who was allegedly the victim of an assassination attempt as a result of his allegations, and opposition members reportedly requested that he be placed under witness protection.³⁵³⁷ The Chief Secretary reportedly denied having forced the whistleblower to confess to the bribery and conspiracy allegations after an audio was leaked suggesting otherwise.³⁵³⁸ Finally, Abdullah reportedly withdrew as a witness in the case against the Chief Registrar citing alleged politicization of the process and lack of protection guarantees.³⁵³⁹

1553. In September, RELE learned of a court ruling that would require citizen Naresh Siewah to pay more than \$1 million, in local currency, in damages to the executive director of the *North Central Regional Health Authority (NRCHA)* for making 14 defamatory statements on social media between March and June 2020. According to the court's ruling, the posts allegedly slandered the executive director's character and discredited him in the public eye.³⁵⁴⁰ The publications allegedly accused the executive director of corruption, misconduct in public office, nepotism, and fraud, for which the court also requested the citizen to cease defamatory comments, retract them, and issue a public apology.³⁵⁴¹

³⁵³⁰ Trinidad Express, [Foolish Race Talk](#), May 1, 2023; Trinidad Express, [Kamla threatens to sue Rowley, media over tace talk](#), May 1, 2023; Trinidad & Tobago Guardian, [Kamla to sue PM Rowley](#), May 29, 2023.

³⁵³¹ Trinidad Express, [Foolish Race Talk](#), May 1, 2023; Trinidad Express, [Kamla threatens to sue Rowley, media over tace talk](#), May 1, 2023; Trinidad & Tobago Guardian, [Kamla to sue PM Rowley](#), May 29, 2023.

³⁵³² Trinidad Express, [Foolish Race Talk](#), May 1, 2023; Trinidad Express, [Kamla threatens to sue Rowley, media over tace talk](#), May 1, 2023; Trinidad & Tobago Guardian, [Kamla to sue PM Rowley](#), May 29, 2023.

³⁵³³ Caribbean Loop News, ['Monstrous lie': PM issues preaction protocol letter to whistleblower](#), July 28, 2023; Trinidad Express, [PM seeks apology, costs from whistleblower](#), July 28, 2023; Trinidad & Tobago Guardian, [Farley on PM's pre-action letter against whistleblower: Is that an attempt at witness tampering?](#), July 28, 2023.

³⁵³⁴ Caribbean Loop News, ['Monstrous lie': PM issues preaction protocol letter to whistleblower](#), July 28, 2023; Trinidad Express, [PM seeks apology, costs from whistleblower](#), July 28, 2023; Trinidad & Tobago Guardian, [Farley on PM's pre-action letter against whistleblower: Is that an attempt at witness tampering?](#), July 28, 2023.

³⁵³⁵ Caribbean Loop News, ['Monstrous lie': PM issues preaction protocol letter to whistleblower](#), July 28, 2023; Trinidad Express, [PM seeks apology, costs from whistleblower](#), July 28, 2023; Trinidad & Tobago Guardian, [Farley on PM's pre-action letter against whistleblower: Is that an attempt at witness tampering?](#), July 28, 2023.

³⁵³⁶ Trinidad & Tobago Guardian, [Farley on PM's pre-action letter against whistleblower: Is that an attempt at witness tampering?](#), July 28, 2023; Trinidad Express, [I'm no longer a witness, says whistle-blower Abdullah](#), August 18, 2023.

³⁵³⁷ Trinidad Express, [Gunmen tried to kill me](#), July 25, 2023; Trinidad & Tobago Guardian, [Farley on PM's pre-action letter against whistleblower: Is that an attempt at witness tampering?](#), July 28, 2023.

³⁵³⁸ Caribbean Loop News, [Chief Secretary denies forcing alleged whistleblower to confess](#), 17 August 2023; Trinidad Express, [I'm no longer a witness, says whistle-blower Abdullah](#), 18 August 2023.

³⁵³⁹ Trinidad & Tobago Guardian, [Farley on PM's pre-action letter against whistleblower: Is that an attempt at witness tampering?](#), July 28, 2023; Trinidad Express, [I'm no longer a witness, says whistle-blower Abdullah](#), August 18, 2023.

³⁵⁴⁰ Trinidad & Tobago Guardian, [Social media user to pay NCRHA boss \\$1M for defamatory statements](#); September 29, 2023; Trinidad Express, [NCRHA chief awarded \\$9M over social media posts](#), September 29, 2023.

³⁵⁴¹ Trinidad & Tobago Guardian, [Social media user to pay NCRHA boss \\$1M for defamatory statements](#); September 29, 2023; Trinidad Express, [NCRHA chief awarded \\$9M over social media posts](#), September 29, 2023.

1554. In addition, the Rapporteurship received reports that in October 2023, the Supreme Court reportedly ordered the leader of the *Progressive Empowerment Party (PEP)* to pay the Minister of Finance more than half a million dollars, in local currency, for defamation of character.³⁵⁴² A judgment would have found that the *PEP* political leader had defamed the cabinet member in seven Facebook posts between February 28 and March 28, 2020 accusing the MP of obtaining foreign currency irregularly.³⁵⁴³ The judge in charge of the case would have also ordered the defendant to cover the plaintiff's legal expenses and to refrain from continuing to publish such statements or to follow up on those already published.³⁵⁴⁴ Although the *PEP* member's defense would have argued that the Facebook posts raised legitimate questions and addressed issues of public interest, the judge found that no action had been taken to responsibly collect, verify and publish the allegations, contrary to "Reynolds Privilege."³⁵⁴⁵

1555. This Office recalls that the State's obligation to protect the rights of others is fulfilled by establishing statutory protection against intentional attacks on honor and reputation through civil actions and by enacting laws guaranteeing the right of rectification or reply.³⁵⁴⁶ However, civil penalties for defamation should not be of such proportions as to have a chilling effect on freedom of expression, and should be designed to restore the damaged reputation, not to compensate the plaintiff or punish the defendant; in particular, pecuniary penalties should be strictly proportionate to the actual harm caused, and the law should give priority to the use of a range of non-pecuniary remedies.³⁵⁴⁷

1556. The Rapporteurship also recalls that political and public figures should be more exposed - not less exposed - to public scrutiny and criticism. The need for open and wide-ranging debate, which is crucial for a democratic society, must necessarily encompass those involved in the formulation or implementation of public policy. Since these individuals are at the center of public debate and knowingly expose themselves to public scrutiny, they must demonstrate greater tolerance for criticism.³⁵⁴⁸

1557. As in past years, the Special Rapporteur recorded multiple protests in the country. In February, RELE recorded a demonstration by retirees and former employees of the Claxton Bay plant of *Trinidad Cement Ltd (TCL)* for the company to pay allegedly owed benefits.³⁵⁴⁹ In March, university professors reportedly mobilized to demand a 10 percent salary increase after nine years without an inflation adjustment, as well as stalled talks with management representatives.³⁵⁵⁰ In April, employees of the *Chaguaramas Development Authority (CDA)* and members of the *National Union of Government and Federated Workers (NUFGW)* reportedly protested their current medical plan and lack of sick leave bonuses, low salaries, and the apparent poor state of *CDA* facilities.³⁵⁵¹ In June and July, this Office was also informed of protests by Barrackpore residents over the state of the roads, who reportedly decided to block them.³⁵⁵² Over the course of the year, there were reportedly multiple demonstrations over the lack of water in several localities in the

³⁵⁴² Trinidad Express, [Court orders PEP leader to pay Imbert \\$5 million](#), October 15, 2023; Caribbean Loop News, [PEP leader ordered to pay Imbert \\$5 million in defamation lawsuit](#), October 16, 2023.

³⁵⁴³ Trinidad Express, [Court orders PEP leader to pay Imbert \\$5 million](#), October 15, 2023; Caribbean Loop News, [PEP leader ordered to pay Imbert \\$5 million in defamation lawsuit](#), October 16, 2023.

³⁵⁴⁴ Trinidad Express, [Court orders PEP leader to pay Imbert \\$5 million](#), October 15, 2023; Caribbean Loop News, [PEP leader ordered to pay Imbert \\$5 million in defamation lawsuit](#), October 16, 2023.

³⁵⁴⁵ Trinidad Express, [Court orders PEP leader to pay Imbert \\$5 million](#), October 15, 2023; Caribbean Loop News, [PEP leader ordered to pay Imbert \\$5 million in defamation lawsuit](#), October 16, 2023.

³⁵⁴⁶ IACHR, Annual Report 1994, Ch. V: Report on the compatibility between desacato laws and the ACHR, OEA/Ser. L/V/II.88, doc. 9 rev., February 17, 1995.

³⁵⁴⁷ OAS, UN, OSCE, Joint Declaration on Censorship through Murder and Defamation, 2000.

³⁵⁴⁸ IACHR, Annual Report 1994, Ch. V: Report on the compatibility between desacato laws and the ACHR, OEA/Ser. L/V/II.88, doc. 9 rev., February 17, 1995.

³⁵⁴⁹ Trinidad & Tobago Guardian, [TCL retirees and retrenched workers stage early morning protest](#), February 28, 2023; Caribbean Loop News, [Roget warns of more protests on behalf of TCL workers](#), March 1, 2023.

³⁵⁵⁰ Caribbean Times, [UWI staff threaten intensified action as they demand pay increases](#), March 3, 2023; Newsday, [UWI teaching staff tells CPO: We'll only accept 10% or more salary increase](#), March 23, 2023.

³⁵⁵¹ Newsday, [CDA union 'surprised' by workers' Tuesday protest](#), April 5, 2023; Caribbean Loop News, [CDA 'surprised' by workers' protest, says matters being addressed](#), April 5, 2023.

³⁵⁵² Trinidad & Tobago Guardian, [Bad roads protests flare up in Barrackpore](#), June 6, 2023; Caribbean Loop News, [Barrackpore residents promise heightened protests over bad roads](#), June 23, 2023.

country; in some of these, residents affected by the lack of supply reportedly decided to block roads by burning debris, a practice that the police reportedly claimed was illegal.³⁵⁵³

1558. RELE was also informed that an organizer of the *United National Congress (UNC)* political party was reportedly granted permission to challenge the legality of the police commissioner's decision to deny him a permit for marches on December 10, 2022 and January 7 and 17, 2023, requested on December 2, 2022 and reportedly in compliance with all requirements of the *Summary Offences Act*.³⁵⁵⁴ The organizer of this demonstration, whose purpose was to warn about the alleged threat to democratic institutions and abuse of public office, also reportedly expressed his dissatisfaction with the lack of information on the reasons, in writing, for the refusal.³⁵⁵⁵

1559. This Office recalls that the exercise of the right of assembly through social protest should not be subject to authorization by the authorities or to excessive requirements that hinder its realization. Legal requirements that provide a basis for an assembly or demonstration to be prohibited or limited, such as, for example, through the requirement of a prior permit, are not compatible with the right of assembly or with the exercise of freedom of expression in the Inter-American system.³⁵⁵⁶

1560. In May 2023, this Office received reports that the *Law Association of Trinidad & Tobago (LATT)* had argued that public comments and assertions on matters of national interest could not be held in contempt.³⁵⁵⁷ This was after the Attorney General, according to public information, referred to the *Privy Council's* opinion rejecting Parliament's decision to extend the term of office of elected local government officials.³⁵⁵⁸ The Attorney would have stated that "any misrepresentation" could be held in contempt, so he would have urged the media to publish "this judgment in its entirety [...] so that the citizens of this country can read[it]" and "not have to rely on the misrepresentations" of those seeking "political capital."³⁵⁵⁹ The *LATT* would have explained that, as a matter of public interest, it would be covered by the right to freedom of expression and freedom of the press, "even if they exaggerate or misinterpret the Privy Council's ruling [the public or the media], it would not be contempt."³⁵⁶⁰

1561. This Office reiterates that "desacato laws" are an illegitimate restriction on freedom of expression because: (a) they do not respond to a legitimate objective under the American Convention; and (b) they are not necessary in a democratic society.³⁵⁶¹ Therefore, the application of the criminal offense of desacato to those who disseminate critical expressions against public officials is, per se, contrary to the American Convention, since it constitutes an application of subsequent liabilities for the exercise of freedom of expression that are unnecessary in a democratic society, and disproportionate due to their serious effects on the issuer and on the free flow of information in society. Insult laws are a means of silencing unpopular ideas and opinions and deter criticism by generating fear of prosecution, criminal sanctions and monetary penalties. Insult legislation is disproportionate in the penalties it establishes for criticism of the functioning of state institutions

³⁵⁵³ CNC3, [Mayaro residents protest over water woes](#), April 18, 2023; Trinidad Guardian, [Mayaro residents protest water woes](#), April 21, 2023; Trinidad Guardian, [Water protests burn in South Trinidad](#), September 21, 2023; Caribbean Loop News, [Blocking roads against the law, police warn](#), September 20, 2023; Trinidad Guardian, [Cedros residents protest lack of water](#), October 8, 2023; Caribbean Loop News, [Cedros residents vow to prolong protest amid water woes](#), October 9, 2023.

³⁵⁵⁴ CNC3, [UNC to challenge law on permission to protest](#), Dec. 11, 2022; Newsday, [UNC activist challenges police refusal to permit public march](#), Jan. 19, 2023.

³⁵⁵⁵ CNC3, [UNC to challenge law on permission to protest](#), Dec. 11, 2022; Newsday, [UNC activist challenges police refusal to permit public march](#), Jan. 19, 2023.

³⁵⁵⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September, para. 56.

³⁵⁵⁷ CNC3, [LATT backs public discourse on Privy Council ruling](#), May 23, 2023; Newsday, [Law Association to AG: Commentary on important matters not contempt of court](#), May 24, 2023.

³⁵⁵⁸ Nationwide Radio, [Privy Council Rules One-Year Extension for T&T Local Gov't Officers Unlawful](#), May 18, 2023; Nationwide Radio, [Privy Council rules Local Govt extension unlawful](#), May 19, 2023.

³⁵⁵⁹ CNC3, [LATT backs public discourse on Privy Council ruling](#), May 23, 2023; Newsday, [Law Association to AG: Commentary on important matters not contempt of court](#), May 24, 2023.

³⁵⁶⁰ CNC3, [LATT backs public discourse on Privy Council ruling](#), May 23, 2023; Newsday, [Law Association to AG: Commentary on important matters not contempt of court](#), May 24, 2023.

³⁵⁶¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II. IACHR/RELE/INF. 2/09, December 30, 2009, para. 136.

and their members, thereby suppressing the debate essential to the functioning of a democratic system and unnecessarily restricting freedom of expression.³⁵⁶²

1562. Finally, in the middle of the year, the Rapporteurship was informed that former cameraman and reporter Akile Simon would receive \$150,000 from the State, in local currency, after a court determined that he had been illegally arrested while covering a crime scene in Cocorite in August 2018 for allegedly obstructing a police investigation.³⁵⁶³ According to a judge, the evidence presented would prove that Simon would not have interfered with the work of the police at the crime scene and that, on the contrary, he was in his capacity as a media worker, in a public space, performing a public function.³⁵⁶⁴

1563. This Office reiterates that communicators should not be detained for carrying out their work, nor harassed or attacked by the forces of law and order; on the contrary, it has a duty to protect them when they are victims of acts of violence by third parties; their equipment and materials may not be retained, confiscated or destroyed.³⁵⁶⁵

C. Freedom of expression and the fight against discrimination and exclusion

1564. According to experts, all ethnic groups in the country would enjoy full political rights. Likewise, political parties would be multi-ethnic, although some would be favored by Afro-Trinidadians and others by Indo-Trinidadians.³⁵⁶⁶ Although women's participation would have increased in recent years, they would still be underrepresented. In 2018, Trinidad and Tobago had for the first time a woman president, and in 2021 the first woman to be leader of a political party.³⁵⁶⁷

1565. According to public information from civil society actors, discrimination against LGBTI people would be widespread and affect their ability to participate in public debate and political processes.³⁵⁶⁸ In 2023, the Special Rapporteurship recorded a series of events and initiatives within the framework of LGBTI Pride Month, celebrated in July, including days around mental health and wellness, a commemorative event for deceased community activities, a film festival of community artists, and a march, among others.³⁵⁶⁹

1566. In June, in preparation for LGBTI Pride Month in July, more than 100 private sector companies reportedly attended *Pride TT's* Second Annual Diversity, Equity and Inclusion Conference, where they reportedly met with members of a dozen marginalized groups to discuss best practices for intersectional inclusion in the workplace; participants included associations of *queer*, transgender, down syndrome, and disabled people, among others.³⁵⁷⁰ The country's Equal Opportunity Act would not explicitly include sexual orientation or gender identity in its mandate, so it would be expected that this initiative would contribute to eliminate the inequalities that persist in the workplace.³⁵⁷¹

³⁵⁶² IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II. IACHR/RELE/INF. 2/09, December 30, 2009, para. 141.

³⁵⁶³ Newsday, [Ex-journalist wrongly charged with obstruction awarded \\$150k](#), June 13, 2023; Trinidad & Tobago Guardian, [Former reporter awarded \\$150,000 for wrongful arrest at crime scene](#), June 15, 2023.

³⁵⁶⁴ Newsday, [Ex-journalist wrongly charged with obstruction awarded \\$150k](#), June 13, 2023; Trinidad & Tobago Guardian, [Former reporter awarded \\$150,000 for wrongful arrest at crime scene](#), June 15, 2023.

³⁵⁶⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September para. 356.

³⁵⁶⁶ Freedom House, [Freedom in the World 2023: Trinidad and Tobago](#), June 21, 2023.

³⁵⁶⁷ Freedom House, [Freedom in the World 2023: Trinidad and Tobago](#), June 21, 2023.

³⁵⁶⁸ Freedom House, [Freedom in the World 2023: Trinidad and Tobago](#), June 21, 2023.

³⁵⁶⁹ *PrideTT Events*, undated; Newsday, [Marginalised groups meet private sector to discuss inclusion](#), June 2, 2023; U.S. Embassy in Trinidad & Tobago, [Remarks by Ambassador Candace Bond at PrifeTT's Diversity, Equity, and Inclusion \(DEI\) Conference](#), June 1, 2023.

³⁵⁷⁰ Newsday, [Marginalised groups meet private sector to discuss inclusion](#), June 2, 2023; U.S. Embassy in Trinidad & Tobago, [Remarks by Ambassador Candace Bond at PrifeTT's Diversity, Equity, and Inclusion \(DEI\) Conference](#), June 1, 2023.

³⁵⁷¹ Newsday, [Marginalised groups meet private sector to discuss inclusion](#), June 2, 2023; U.S. Embassy in Trinidad & Tobago, [Remarks by Ambassador Candace Bond at PrifeTT's Diversity, Equity, and Inclusion \(DEI\) Conference](#), June 1, 2023.

1567. The Tobago *Pride Association (TPA)* reportedly kicked off LGBTI Pride Month in July with a flag raising at Fort King George, Scarborough.³⁵⁷² However, the event was reportedly attended by only seven people, illustrating, according to organizers, the fear of public scrutiny as a result of homophobia, the murder of a member of the community days earlier and the outrage generated by the RIK bookstore's decision to sell books about the community.³⁵⁷³

1568. According to information received by this Office, Kevon Solomon, also known as "Yank Boss," a social media personality in the country, was reportedly killed with a firearm in a mall parking lot on June 24, 2023.³⁵⁷⁴ Prior to his murder, Solomon was reportedly actively promoting an event called "Fairy on the Ferry 2 - Come Sail in Pride" for LGBTI Pride Month.³⁵⁷⁵ Authorities are investigating the facts to determine the motives behind the crime.³⁵⁷⁶

1569. At the end of June, this Office was also informed of the controversy over the decision by *RIK Services Ltd Booksellers* to sell books telling stories of LGBTI characters.³⁵⁷⁷ Religious organizations in the country reportedly questioned the presence of such books on their shelves, leading to calls for a ban on their circulation through an online petition.³⁵⁷⁸ Likewise, an alleged rumor had begun to circulate on social networks that the book would be in the curriculum of schools in the country, which would be false, according to the Minister of Education.³⁵⁷⁹ The co-founder of *PrideTT* reportedly described the reaction of parents and religious as "discouraging," noting that the purpose of this literature would be written for children and adolescents of the LGBTI population, as well as their parents, as an opportunity for them to "feel seen, heard and represented."³⁵⁸⁰

1570. As this Office explained in its report on hate speech and incitement against LGBTI persons, censorship of debate on controversial issues will not attack the structural inequalities and prevalent prejudices affecting LGBTI persons in the Americas. On the contrary, as a matter of principle, rather than restricting them, States should encourage preventative and educational mechanisms and promote broader and deeper debates as a measure to expose and combat negative stereotypes.³⁵⁸¹ In this sense, it is of particular importance that States adopt actions to guarantee the exercise of the right to freedom of expression of LGBTI people and empower those affected and made invisible by hate speech.³⁵⁸²

1571. Furthermore, the Rapporteurship reiterates that the promotion and protection of the right to freedom of expression must be combined with efforts to combat intolerance, discrimination, hate speech and incitement to violence, in particular with the promotion of proactive public policies for social inclusion in the media and to ensure that LGBTI individuals and communities can realize their right to freedom of expression

³⁵⁷² Newsday, [Pride Association addresses homophobia in Tobago](#), July 9, 2023; Caribbean Loop News, [Small turnout for LGBTQ+ annual flag raising event](#), July 3, 2023.

³⁵⁷³ Newsday, [Pride Association addresses homophobia in Tobago](#), July 9, 2023; Caribbean Loop News, [Small turnout for LGBTQ+ annual flag raising event](#), July 3, 2023.

³⁵⁷⁴ St. Vincent Times, ['Yank Boss' social media personality, shot dead at Trincity Mall in Trinidad](#), June 25, 2023; Trinidad Guardian, [Social media personality killed in mall car park](#), June 25, 2023; Newsday, ['Yank Boss' killed at Trincity Mall car park](#), June 25, 2023.

³⁵⁷⁵ St. Vincent Times, ['Yank Boss' social media personality, shot dead at Trincity Mall in Trinidad](#), June 25, 2023; Trinidad Guardian, [Social media personality killed in mall car park](#), June 25, 2023; Newsday, ['Yank Boss' killed at Trincity Mall car park](#), June 25, 2023.

³⁵⁷⁶ St. Vincent Times, ['Yank Boss' social media personality, shot dead at Trincity Mall in Trinidad](#), June 25, 2023; Trinidad Guardian, [Social media personality killed in mall car park](#), June 25, 2023; Newsday, ['Yank Boss' killed at Trincity Mall car park](#), June 25, 2023.

³⁵⁷⁷ Newsday, [Debate rages over LGBT books](#), June 22, 2023; Global Voices, [A Trinidad & Tobago bookstore carrying a LGBTQ+ themed children's book causes both outrage and inspiration online](#), June 23, 2023.

³⁵⁷⁸ Newsday, [Minister: LGBT books not for school curriculum](#), June 22, 2023; Trinity Guardian, [Minsiter: No sex orientation books on school syllabus](#), June 22, 2023.

³⁵⁷⁹ Newsday, [Minister: LGBT books not for school curriculum](#), June 22, 2023; Trinity Guardian, [Minsiter: No sex orientation books on school syllabus](#), June 22, 2023.

³⁵⁸⁰ Newsday, [Debate rages over LGBT books](#); June 22, 2023; Global Voices, [A Trinidad & Tobago bookstore carrying a LGBTQ+ themed children's book causes both outrage and inspiration online](#), June 23, 2023.

³⁵⁸¹ IACHR, Violence against LGBTI persons, OAS/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015, para. 226.

³⁵⁸² IACHR, Violence against LGBTI persons, OAS/Ser.L/V/II.rev.2 Doc. 36, 12 November 2015, para. 234.

without discrimination. All of these efforts must be strictly in line with international human rights law in general, and freedom of expression standards in particular.³⁵⁸³

D. Freedom of expression and the Internet

1572. According to *Freedom House*, citizens in Trinidad and Tobago would be free to express their opinions and the government would have refrained from monitoring private online communications. However, from 2019 the police would have a social media monitoring unit to identify possible instances of child pornography, prostitution and human trafficking.³⁵⁸⁴ The *Data Protection Act*, although partially enacted in 2011, is still subject to amendments. According to public information, the current administration has asked the Senate for an 18-month extension, starting April 2023, for the full enactment of the legislation after amendments in response to comments from experts, journalists and the media.³⁵⁸⁵

1573. In mid-2023, the Special Rapporteur received reports that digital or cyber gender-based violence would be a "rampant problem," according to the head of the Gender-Based Violence Unit of the Trinidad and Tobago Police Service.³⁵⁸⁶ The head of the unit reportedly stressed that one challenge would be that victims would be unwilling to report such crimes, which could include threats of harassment, stalking, pornography, trolling, phishing, impersonation and the sharing of child sexual abuse material.³⁵⁸⁷ A second challenge would be the location of the perpetrators, who would make use of specialized technology to avoid detection.³⁵⁸⁸ Finally, the director reportedly pointed out the need for stricter laws given that the country does not have a Cybercrime Law, although some of these crimes may be covered by current legislation.³⁵⁸⁹

1574. So far this year, RELE has also recorded a 250 percent increase in cyber attacks in the country, according to the Trinidad and Tobago *Cyber Security Incident Response Team (TT-CSIRT)*.³⁵⁹⁰ As a result, the National Security unit has reportedly urged all organizations to take the necessary precautions to mitigate this increase.³⁵⁹¹ Among the most notorious attacks was one against the Attorney General's office and the Ministry of Legal Affairs in July, which temporarily disrupted their operations.³⁵⁹² The attack reportedly occurred weeks after the Attorney General announced efforts to strengthen legislation to protect citizens from this type of cyber-attack.³⁵⁹³

1575. On the other hand, the Rapporteurship closely followed the decisions and initiatives of the Ministry of Digital Transformation. At the end of June, this Office was informed of the executive decision to store all critical data in the country in a *tier four* center now that the State would provide a greater amount of electronic services and that any disruption could constitute a risk to service delivery, public confidence and the credibility of the public sector, according to the Minister of this portfolio.³⁵⁹⁴ This level four center would house

³⁵⁸³ IACHR, Violence against LGBTI persons, OAS/Ser.L/V/II.rev.2 Doc. 36, 12 November 2015, para. 221.

³⁵⁸⁴ Freedom House, [Freedom in the World 2023: Trinidad and Tobago](#), June 21, 2023.

³⁵⁸⁵ IAPP, Trinidad and Tobago minister: [Work on data laws ongoing with 'urgency'](#), 20 March 2023; Newsday [Government gets 18 months to update data protection law](#), 31 March 2023.

³⁵⁸⁶ Trinidad Express, [Digital gender violence 'big problem in T&T'](#), June 1, 2023; Trinidad Guardian, [Better laws needed to prevent online gender-based violence](#), June 1, 2023.

³⁵⁸⁷ Trinidad Express, [Digital gender violence 'big problem in T&T'](#), June 1, 2023; Trinidad Guardian, [Better laws needed to prevent online gender-based violence](#), June 1, 2023.

³⁵⁸⁸ Trinidad Express, [Digital gender violence 'big problem in T&T'](#), June 1, 2023; Trinidad Guardian, [Better laws needed to prevent online gender-based violence](#), June 1, 2023.

³⁵⁸⁹ Trinidad Express, [Digital gender violence 'big problem in T&T'](#), June 1, 2023; Trinidad Guardian, [Better laws needed to prevent online gender-based violence](#), June 1, 2023.

³⁵⁹⁰ Newsday, [Government puts organisations on alert - CYBER ATTACK FEARS](#), July 10, 2023; TV6, [Cyberattacks up 250% in Trinidad & Tobago](#), July 10, 2023.

³⁵⁹¹ Newsday, [Government puts organisations on alert - CYBER ATTACK FEARS](#), July 10, 2023; TV6, [Cyberattacks up 250% in Trinidad & Tobago](#), July 10, 2023.

³⁵⁹² Trinidad Express, [Cyberattack disrupts operations at AG's Office, Legal Affairs](#), July 8, 2023; Trinidad Guardian, [Cyber attack on network at Attorney General's Office](#), July 9, 2023.

³⁵⁹³ Trinidad Express, [Cyberattack disrupts operations at AG's Office, Legal Affairs](#), July 8, 2023; Trinidad Guardian, [Cyber attack on network at Attorney General's Office](#), July 9, 2023.

³⁵⁹⁴ Trinidad Express, [Bacchus: T&T to house all critical data on island](#), June 29, 2023; Newsday, [Bacchus defends plans for tier 4 data center](#), June 30, 2023.

confidential government data in a dedicated government cloud, while less sensitive data would be stored in level three centers.³⁵⁹⁵ The decision would seek to strengthen the security and resilience of the country's information systems.

1576. This Office recalls that the response of States in the area of security in cyberspace must be limited and proportionate, and seek to comply with precise legal purposes that do not compromise the democratic virtues that characterize the network. In this sense, governments should refrain from favoring the concentrated and centralized use of criminal law as the fundamental instrument for dealing with all possible threats to online security.³⁵⁹⁶

1577. On the other hand, laws regulating so-called "cybercrimes" must be clearly and specifically drafted to guarantee the principle of legality, have a legitimate purpose, be necessary in a democratic society and be proportionate, and in no case must they be used to prohibit, obstruct or hinder a peaceful assembly, demonstration or protest.³⁵⁹⁷

1578. Likewise, this Office recalls that States should adopt policies aimed at prohibiting the processing of data, including the storage, analysis, and disclosure of personal data except when they are legitimized to do so or when there is informed consent of the person concerned.³⁵⁹⁸

³⁵⁹⁵ Trinidad Express, [Bacchus: T&T to house all critical data on island](#); Newsday. June 30, 2023. [Bacchus defends plans for tier 4 data centre](#), 29 June 2023.

³⁵⁹⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II. IACHR/RELE/INF. 11/13, December 31, 2013, para. 120.

³⁵⁹⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, OEA/Ser.L/V/II. IACHR/RELE/INF.22/19, September 2019, para. 301.

³⁵⁹⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a Free, Open and Inclusive Internet, OEA/Ser.L/V/II. IACHR/RELE/INF.17/17, March 15, 2017, para. 205.

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1579. The Office of the Special Rapporteur for Freedom of Expression continued, during 2023, to monitor stigmatizing remarks by public officials against journalists and media outlets, which would infringe on freedom of expression and increase the risk inherent to their profession. In addition, it learned of some obstacles and restrictions to press coverage and the publication of journalistic notes on matters of public interest, journalists have also reportedly suffered unjustified dismissals and restrictions on freedom of expression online. In addition, the Office received reports of alleged cases of surveillance against persons actively contributing to public deliberation, including opponents, trade unionists, teachers and students.

A. Journalism and democracy

1580. As reported in the last annual report, the Office of the Special Rapporteur notes that in 2023 there is a growing trend of stigmatizing accusations by public officials against journalists and media outlets for reasons related to their journalistic work on matters of public interest. According to a report by the Center for Archives and Access to Public Information (CAINFO), between April 2022 and March 2023 about 19 cases of stigmatization were documented, of which 11 would be related to some kind of journalistic coverage or commentary on the case of Alejandro Astesiano, former chief of security of the Presidency sentenced to four and a half years in prison for allegedly committing the crimes of association to commit a crime in real reiteration, influence peddling, disclosure of secrecy and conjunction of personal and public interest³⁵⁹⁹.

1581. According to publicly available information, on February 9, 2023, during a press conference, the President referred to the aforementioned case and stated that "what is clear is that 'someone' gave the chats to two media outlets", in reference to *La Diaria* and *TV Ciudad*, and that "[t]hese two media outlets clearly have a political connection"³⁶⁰⁰. At the end, the president reportedly stated that, "[I] am not going to continue answering about things that are in the courts and that play into the hands of your colleagues", he told the journalists³⁶⁰¹. On February 10, through a press release, the Uruguayan Press Association (APU) rejected the statements and expressed its concern about the possible consequences that this type of pressure and accusations could have on the work of journalists. In particular, the Uruguayan Press Association (APU) pointed out that "the information that has come out about this *affair* is of notorious interest to society (...) [t]he President is wrong to attribute the responsibility for the dissemination of this information to two media in particular, when it is more than evident that the news about the 'Astesiano Case' has been disseminated by several media"³⁶⁰².

1582. Likewise, on March 3, 2023, during the Departmental Board of Colonia, the Frente Amplio departmental councilman reportedly questioned the media for not covering the sessions of the body³⁶⁰³. According to the information available, the official reportedly stated that, "[t]he press is paid by the Municipality" and there is "a Justice, like most of the prosecutors' offices in the department of Colonia and Montevideo, that rule in favor of the authorities. They are bought by those in power"³⁶⁰⁴. The Association of Journalists and Communicators (APEC), mayors and deputies of various political parties have reportedly rejected the mayor's statements, while the Departmental Board has filed a motion with several organizations, including the Prosecutor's Office of Colonia, the Association of Prosecutors and the Attorney General's Office³⁶⁰⁵.

³⁵⁹⁹ CAINFO, [Informe Periodismo y Libertad de Expresión en Uruguay](#), May 3, 2023; CNN, [Exjefe de seguridad de la Presidencia de Uruguay es condenado a 4 años de prisión por asociación para delinquir](#), February 15, 2023.

³⁶⁰⁰ El País, [Caso Astesiano: "¿Todo lo que sale en los chats es la verdad revelada?", questioned Lacalle](#), February 9, 2023.

³⁶⁰¹ El País, [Caso Astesiano: "¿Todo lo que sale en los chats es la verdad revelada?", questioned Lacalle](#), February 9, 2023.

³⁶⁰² APU X account (@apu_uy), [10 February 2023](#); Caras y Caretas, [APU rechazó acusaciones de Lacalle Pou a medios de prensa](#), 10 February 2023; El Observador, [APU condenó "intento de estigmatización de medios" de Lacalle en caso Astesiano](#), 10 February 2023; El País, [APU considera que Lacalle Pou "estigmatizó" a ciertos medios de comunicación por el caso Astesiano](#), 10 February 2023.

³⁶⁰³ CAINFO, [9th Report on Journalism and Freedom of Expression in Uruguay](#), May 3, 2023; La diaria política, [En el último año hubo 66 casos de amenazas a la libertad de prensa, según informe de CAINFO](#), May 3, 2023.

³⁶⁰⁴ La Diaria Colonia, [FA councilor said that prosecutors and the press are "bought" by "the power"](#), March 7, 2023.

³⁶⁰⁵ Carmelo Portal, [Colorados rechazan palabras de edil Pedro Leizagoyen "la prensa está pagada por la Intendencia"](#), 7 March 2023; La Diaria Colonia, [Edil del FA dijo que fiscalías y la prensa están "compradas" por "el poder"](#), 7 March 2023; Colonia Ya, [La Junta elevó a Fiscalía una moción por las expresiones del edil Pedro Leizagoyen](#), 10 March 2023.

. For his part, in a letter, the departmental councilman reportedly stated that "[g]eneralized and involved all the journalists and all the prosecutors, a very gross and disrespectful error"³⁶⁰⁶.

1583. In addition to the stigmatizing remarks described above, in 2023, the Rapporteurship learned of similar acts by political actors against journalists and communicators. Thus, for example, on January 10, 2023, a senator of the National Party attributed to Denisse Legrand, journalist of *La Diaria*, statements about the seizure of public buildings in Brasilia by followers of former Brazilian president Bolsonaro. Through her X account, the senator published a photograph of the journalist and pointed out that "these assertions are very serious"³⁶⁰⁷. For her part, the journalist would have denied such statements by pointing out that it was false news, however, the senator responded "[y]o I only gave [retweet] to serious assertions. I did NOT affirm that you [uttered] them. If it is NOT so, clarify it and that's it. It is simple, very simple"³⁶⁰⁸. According to available information, the journalist has filed a complaint against the senator before the Attorney General's Office for these facts. According to the journalist's complaint, "[w]e are dealing with a person, Senator of the Republic, who uses her social networks to disseminate false information and messages of systematic intolerance, which become a constant harassment against journalists and people with public exposure"³⁶⁰⁹. In previous reports, the Office of the Special Rapporteur has warned about the constant accusations made by the senator of the National Party against journalists and communicators in Uruguay³⁶¹⁰.

1584. Within the framework of their position as guarantors of human rights, public officials must refrain from acting in such a way as to propitiate, stimulate, favor or deepen the risk or vulnerability inherent to the journalistic profession. This implies that their statements may not disregard rights or constitute forms of direct or indirect interference or harmful pressure on the rights of those who seek to contribute to public deliberation through the expression and dissemination of information. This duty of enhanced diligence on the freedom of expression of public authorities is due to their high investiture, the broad scope of their statements and the possible effects that their expressions may have on certain sectors of the population.

1585. The Inter-American Court has pointed out that statements made by high-ranking public officials against journalists and the media can lead to an increase in the risk inherent to their profession³⁶¹¹. "While it is true that there is a risk intrinsic to journalistic activity, people who work for a certain media outlet may see the risk situations they would normally face exacerbated if that media outlet is the object of official speeches that may provoke or suggest actions or be interpreted by public officials or by sectors of society as instructions, instigations, or in any way authorizations or support, for the commission of acts that endanger or violate the life, personal safety or other rights of persons engaged in journalistic work or those exercising their freedom of expression"³⁶¹².

1586. On the other hand, the Office of the Special Rapporteur also recorded some obstacles and restrictions to press coverage and the publication of journalistic notes on matters of public interest. According to a report by the Inter American Press Association (IAPA), on December 20, 2022, some journalists of the newspaper *El Observador* reportedly published on their personal social networks some conversations between the former head of security of the Presidency and the deputy director of the National Police, related to a personal trip of the First Lady, in view of the refusal of the newspaper not to publish such conversations³⁶¹³.

³⁶⁰⁶ The Echo, [What councilman Pedro Leizagoyen says about what happened at the meeting](#), March 9, 2023.

³⁶⁰⁷ Graciela Bianchi's X account (@gbianchi404), [January 10, 2023](#).

³⁶⁰⁸ X account of Graciela Bianchi (@gbianchi404), [January 10, 2023](#); *El Observador*, [Polémica en X: Bianchi difundió declaraciones falsas de una periodista sobre la represión a bolsonaristas](#), January 11, 2023.

³⁶⁰⁹ *La Diaria Justicia*, [Graciela Bianchi was criminally denounced for spreading false information on her social networks](#), 24 January 2023; *El Observador*, [Denisse Legrand denounced Senator Bianchi for spreading false information on networks](#), 24 January 2023.

³⁶¹⁰ IACHR, Annual Report 2021, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 64 rev. 1, May 26, 2022, para. 843; IACHR, Annual Report 2022, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50 rev. 1, March 6, 2023, para. 1353.

³⁶¹¹ I/A Court H.R., Case of Ríos et al. v. Venezuela, Preliminary Objections, Merits, Reparations and Costs, Judgment of January 28, 2009, Series C No. 194, para. 143.

³⁶¹² I/A Court H.R., Case of Ríos et al. v. Venezuela. Preliminary Objections, Merits, Reparations and Costs, Judgment of January 28, 2009, Series C No. 194, para. 143.

³⁶¹³ Inter American Press Association, [Uruguay: Report to the Mid-Year Meeting 2023 April 25-27](#), April 20, 2023.

For its part, the newspaper reportedly explained the reasons for the decision, stating that, "[i]t is not in the spirit of El Observador to interfere in personal matters that are not being investigated by the courts, and that violate the privacy of individuals (...) the decisions of our journalists to publish the article in their private networks is personal (...) there was no censorship of any kind"³⁶¹⁴. The Center for Archives and Access to Public Information (CAINFO) expressed its concern about the editorial decision³⁶¹⁵.

1587. Likewise, the Rapporteurship registered with concern new restrictions on journalists trying to gather information on matters of public interest and notoriety. On February 8, 2023, the Minister of the Interior reportedly summoned the media to inform about the changes in the leadership of the Police after the removal of the director and deputy director. According to public information, the minister did not give the press the possibility to ask questions in order to find out if these changes were related to the Astesiano Case³⁶¹⁶. Likewise, on February 1, the National Police Director reportedly ordered the Montevideo Police Chief to suspend a press conference after he was asked about the implications of the alleged spying by Astesiano on PIT-CNT president Marcelo Abdala³⁶¹⁷.

1588. Also, according to the Inter American Press Association (IAPA), Canal 12 de Melo in Cerro Largo reported possible restrictions and obstacles to carrying out journalistic coverage of the carnival on February 18. According to the information available, municipal police officers reportedly told them that without written authorization from the Cerro Largo Municipality they were not authorized to cover the event, despite the fact that Canal 12 had duly obtained the respective authorization to broadcast the event, as in previous years³⁶¹⁸. On March 29, 2023, a senator of the National Party, Gustavo Penadés, reportedly called a press conference to respond to the accusations of sexual abuse made against him by a National Party militant. According to public information, the senator reportedly informed that he would not accept questions from the press³⁶¹⁹.

1589. The Rapporteurship recalls that transparency and accountability of public authorities strengthen democratic systems, and that the guarantee of the right of access to information, on many occasions, is a necessary condition to guarantee the exercise of other rights³⁶²⁰. In ruling on restrictions imposed on journalists or communicators for access to official sources of information at public acts or events, the Inter-American Court has determined that "[w]ith respect to accreditations or authorizations to the press media for participation in official events, which imply a possible restriction on the exercise of the freedom to seek, receive and impart information and ideas of all kinds, it must be demonstrated that their application is legal, pursues a legitimate objective and is necessary and proportional in relation to the objective pursued in a democratic society. The accreditation requirements must be concrete, objective and reasonable, and their application transparent."³⁶²¹

1590. On the other hand, this Office observes with concern the growing climate of hostility and intolerance, as well as the alleged aggressions and intimidations by different sectors of the population against journalists and communicators. For example, the journalistic team of *VTV Noticias* was allegedly the victim of aggressions by a demonstrator while covering the eviction of the Alfredo Vásquez Acevedo Institute on April

³⁶¹⁴ The Observer, [Editorial](#), December 22, 2022.

³⁶¹⁵ CAINFO, [Astesiano case: the note that was not published](#), December 21, 2022.

³⁶¹⁶ X account of MVD Noticias (@MVDNoticias), [February 8, 2023](#).

³⁶¹⁷ M24, [Director de Policía ordenó a jerarca no responder a la prensa pregunta sobre espionaje de Astesiano a Abdala](#), 2 February 2023; El Observador, [El director de la Policía Nacional le ordenó al jefe de Montevideo no responder sobre el caso Astesiano en una rueda de prensa](#), 1 February 2023; La Diaria Justicia, [Director de la Policía suspendió una rueda de prensa tras pregunta sobre Astesiano](#), 1 February 2023.

³⁶¹⁸ Inter American Press Association, [Uruguay: Report to the Mid-Year Meeting 2023 April 25-27](#), April 2023

³⁶¹⁹ La Diaria Política, [Gustavo Penadés: "I categorically deny the criminal conduct of which I am accused"](#), March 29, 2023.

³⁶²⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, *El derecho de acceso a la información en el marco jurídico interamericano*, OEA/Ser.L/V/II CIDH/RELE/INF. 1/09, December 30, 2009, para. 64.

³⁶²¹ I/A Court H.R., *Case of Claude Reyes et al., Merits, Reparations and Costs*, Judgment of September 19, 2006, Series C No. 151, para. 93; I/A Court H.R., *Case of Ríos et al. v. Venezuela, Preliminary Objections, Merits, Reparations and Costs*, Judgment of January 28, 2009, Series C No. 194, para. 375.

13, as reported by the media outlet in its account on X³⁶²². Likewise, the journalist and commentator of *Tenfield*, Juan Carlos Scelza, publicly denounced having received death threats after the Cerro Largo and Peñarol game on April 9³⁶²³. A similar incident was reported against journalist Ana Inés Martínez, who was verbally attacked by Peñarol fans on June 24. In this context, press workers were also allegedly assaulted by throwing stones, water and other objects³⁶²⁴. The Circle of Sports Journalists of Uruguay stated that "[t]he colleague Ana Inés Martínez has been attacked, insulted, undermined and dishonored, not only for her professional activity, but also for the mere fact of being a woman"³⁶²⁵.

1591. This Office reiterates that journalism is the primary and principal manifestation of freedom of expression, since it is journalists and the media who keep society informed on matters of public interest and contribute to the existence of a broad, robust and pluralistic public debate³⁶²⁶. For this reason, States have the obligation to create the conditions for journalists to be able to exercise their function freely, independently and safely³⁶²⁷.

1592. It also recalls that according to Principle 9 of the Declaration of Principles on Freedom of Expression of the IACHR, "[t]he murder, kidnapping, intimidation, threats to social communicators, as well as the material destruction of the media, violate the fundamental rights of individuals and severely restrict freedom of expression. It is the duty of States to prevent and investigate these acts, punish the perpetrators and ensure adequate reparation for the victims"³⁶²⁸.

1593. Likewise, in 2023, the Office of the Special Rapporteur received information on alleged attempts to censor journalistic work through investigations and legal proceedings by persons of public notoriety against journalists and media outlets. According to the organization Reporters Without Borders, in recent years, "several investigative journalists have been subjected to threats, intimidation and judicial pressure" in Uruguay³⁶²⁹. For example, a National Party militant and leader of Juntos por el Pueblo announced on February 1, through her X account, that she would take legal action against the media *La Diaria* and *M24 due to a publication about "an alleged psychiatric examination of me"*³⁶³⁰.

1594. In February 2023, a prosecutor reportedly filed a complaint for defamation and slander against the president of Frente Amplio, Fernando Pereira; the director of the magazine *Caras y Caretas*, Alberto Grille; the journalist Carlos Peláez and three users of social networks³⁶³¹. According to the information available, the complaint against journalist Alberto Grille was based on the publication of an editorial stating that "the prosecutor did not even try to conceal her cowardice, nor the hypocrisy of a justice system that is not afraid of losing prestige when it comes to preserving the most powerful"³⁶³². On the other hand, through a communiqué published on July 3, 2023, the Attorney General's Office announced that the complaint for defamation and libel had been filed due to the fact that "it is a case of high public interest, in which there is no

³⁶²² X account of VTV Noticias (@vtvnoticiasuy), [April 14, 2023](#); El País, "[VTV Noticias" denunció a manifestante por agresiones a periodistas durante desalojo del IAVA](#), April 15, 2023; El Observador, [Denunciaron a un hombre que amenazó a periodistas en ocupación del IAVA: gremio dice que no lo integra](#), April 15, 2023.

³⁶²³ Juan Carlos Scelza's X account (@jcszelza), [April 11, 2023](#); El País, [JC Scelza received death threats after his commentary on the Peñarol match: acts Fiscalía](#), April 11, 2023; El Observador, [El comunicado de Juan Carlos Scelza luego de recibir amenazas de muerte](#), April 12, 2023.

³⁶²⁴ El Observador, [Ana Inés Martínez denounced Peñarol fans in the Public Prosecutor's Office and told them not to mess with her anymore](#), June 25, 2023.

³⁶²⁵ La Diaria, [Peñarol fans assaulted journalist Ana Inés Martínez and the Círculo de Periodistas Deportivos del Uruguay supported her](#), June 26, 2023.

³⁶²⁶ I/A Court H.R., Advisory Opinion OC-5/85, Compulsory Membership in an Association of Journalists (Arts. 13 and 29 American Convention on Human Rights), November 13, 1985, para. 71; IACHR, Background and Interpretation of the Declaration of Principles.

³⁶²⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 8 and para. 165 et seq.

³⁶²⁸ IACHR, Declaration of Principles on Freedom of Expression, 2000.

³⁶²⁹ Reporters Without Borders, [Uruguay](#).

³⁶³⁰ X account of Romina Celeste (@romina_uy), [February 1, 2023](#).

³⁶³¹ El País, [Fossati denounced Fernando Pereira and the director of Caras y Caretas for defamation](#), February 27, 2023; M24, [Lawyer of journalist analyzes filing lawsuit against Fossati for "slander"](#), March 5, 2023.

³⁶³² Caras y Caretas, [Entre la cobardía de una fiscal y la hipocresía del sistema judicial](#), February 17, 2023.

evidence of real malice on the part of the accused". In this regard, the Prosecutor's Office pointed out that, "according to international parameters, public officials must endure a higher level of criticism for the work they perform than ordinary citizens"³⁶³³.

1595. Likewise, this Office learned that a member of the Association of Professionals and Middle Management of UTE had filed a complaint in March 2023 against the media *La Diaria* before the Regulatory and Personal Data Control Unit, in order to have his name removed from the newspaper article published on December 8, 2022³⁶³⁴.

1596. This Office recalls that both the Commission and the Inter-American Court of Human Rights have considered that expressions concerning public officials or other persons who exercise functions of a public nature must enjoy, in the terms of Article 13(2) of the Convention, a margin of openness to broad debate, which is essential for the functioning of a truly democratic system. This does not mean that the honor of public officials or public persons should not be legally protected, but rather that it should be protected in accordance with the principles of democratic pluralism. As the Court has pointed out, those persons who influence matters of public interest have voluntarily exposed themselves to a more demanding public scrutiny and, consequently, are exposed to a greater risk of being criticized, since their activities leave the domain of the private sphere to enter the sphere of public debate.

1597. The State of Uruguay sent information to this Office of the Special Rapporteur on the general situation of the media and freedom of the press in the country. According to the information reported, the cases of journalists and communicators subjected to criminal or civil proceedings, including those of defamation and libel, have been reduced by more than a third during the course of this year. Likewise, the State has reportedly not registered changes in the allocation and use of broadcasting frequencies, as well as other barriers that limit pluralism, equitable access and media diversity. However, the lack of economic sustainability of some media outlets in the country was recognized with concern³⁶³⁵.

B. Freedom of expression, rule of law and democratic institutions

1598. In 2023, the Rapporteurship learned about alleged cases of surveillance against people who actively contribute to public deliberation, including opposition members, trade unionists, teachers and students. According to publicly available information, these persons were allegedly subject to espionage by the former head of security of the Presidency, arrested in September 2022 and convicted for the alleged commission of the crimes of association to commit a crime in real reiteration, influence peddling, disclosure of secrets and conjunction of personal and public interest³⁶³⁶.

1599. For example, in February 2023, through audios and chats, it became known that the former head of security had been watching the president of the PTI-CNT, Uruguay's main labor union, moments before his accident on February 4, 2022. According to available information, the former head of security of the Presidency would have shared information of the police operation with Nicolás Martínez, private secretary of the President of the Republic, in which he would have written to him "[a]hora Nico llegó el tiempo de nosotros de matarlo. We have to kill him. Let them get their act together, we have to kill this son of a bitch"³⁶³⁷. Through a press release, the PIT-CNT pointed out that, "[t]his episode [of surveillance] is part of a scandalous succession of alleged illegitimate surveillance and use of public resources for personal or political ends" and indicated that,

³⁶³³ Fiscalía General de la Nación - Gobierno de Uruguay, [Fiscal archivó denuncia de difamación e injurias](#), July 5, 2023; Caras y Caretas, [Se archivó denuncia de Fossati a Pereira y director de Caras y Caretas](#), July 3, 2023; La Diaria Justicia, [Para Fernando Pereira sería un "daño enorme a la política" que el presidente de un partido "no pueda opinar"](#), July 3, 2023.

³⁶³⁴ CAINFO, [9th Report on Journalism and Freedom of Expression in Uruguay](#), May 3, 2023; La Diaria Maldonado, [Aute en Maldonado denuncia "persecución" tras el sumario a dos dirigentes sindicales](#), December 8, 2022.

³⁶³⁵ Information sent by the State of Uruguay in response to RELE's request for information in the framework of the preparation of the Annual Report, Note 096/2023 from the Permanent Mission of Uruguay to the OAS, August 30, 2023, p. 2.

³⁶³⁶ CNN Latin America, [Uruguay: ex-presidential security chief convicted of criminal association](#), February 15, 2023.

³⁶³⁷ La Política Online, [Scandal in Uruguay: Chats confirm that Lacalle Pou was aware of his security chief's background](#), February 1, 2023.

"[t]he use of the state apparatus to intimidate and persecute citizens, political adversaries and social activists is reminiscent of the darkest times of our recent history that we do not want to repeat"³⁶³⁸.

1600. Likewise, according to the information available, the audios and chats disclosed also reveal that a police official had shared with the former head of the Presidency personal data and telephone numbers of students and teachers of Liceo 41 in Montevideo so that they could be tapped³⁶³⁹. According to public information, the police officer allegedly said that the high school was preparing an "escrache", that the students were supposedly influenced by "the Chilean left", and that "[t]hat is already here, it is being used by feminist movements and all that kind of things, in the high schools. There are 14, 15 year olds who are already militating with it"³⁶⁴⁰. In view of these findings, union organizations and educational centers have expressed their concern, among them, the Board of Directors of the Association of Secondary Education Teachers, the Association of Teachers of the University of the Republic, and the National Federation of Secondary Education Teachers³⁶⁴¹.

1601. Likewise, in 2023, the Office of the Special Rapporteur continued to follow up on the alleged case of espionage against Frente Amplio senators Mario Vergara and Charles Carrera³⁶⁴². According to reports received by this Office, the espionage practices directed against the senators were allegedly aimed at "tying them up" so that they would withdraw a complaint about an alleged illegal contract between the State and the Katoen Natie Company. According to the information received, in February 2023, the senators' complaint was still under investigation at the Montevideo Criminal Prosecutor's Office³⁶⁴³. In the framework of this investigation, Senator Charles Carrera denounced on May 9 through his X account that the former Chief of Security of the Presidency had stated that "it was in the interest of the President of the Republic to receive information about me"³⁶⁴⁴.

1602. This Office recalls that it is imperative that States limit the use of any type of technology that may interfere with private communications in accordance with international human rights standards³⁶⁴⁵. The eventual use of surveillance technologies must be clearly and precisely delimited in the law, be exceptional and operate on a strictly necessary basis; in addition, it must have prior judicial authorization and constant supervision by the relevant State agencies. As has been previously pointed out by the Rapporteurship, surveillance practices and the unlawful or arbitrary interception and collection of personal data not only affect the right to privacy and freedom of expression but may also be contrary to the precepts of a democratic society³⁶⁴⁶.

³⁶³⁸ Marcelo Abdala's X account (@MarceAbdalaCNT), [1 February 2023](#); La Política Online, [Scandal in Uruguay: Chats confirm Lacalle Pou was aware of his security chief](#), February 1, 2023; Prensa Latina, [Repudio en Uruguay por nueva revelación de caso Astesiano](#), February 1, 2023; TeleSurTV, [Central sindical uruguaya rechaza vigilancia ilegal a su líder](#), February 2, 2023; Deutsche Welle (DW), [Rechazan "seguimiento" a presidente de sindicato de Uruguay](#), February 1, 2023.

³⁶³⁹ El Observador, [Caso Astesiano: police identified and interrogated Marcelo Franquez, the agent who pretended to spy on teachers and students of Liceo 41](#), February 8, 2023.

³⁶⁴⁰ Montevideo Portal, [Tras audios de Astesiano, docentes y trabajadores de Secundaria expresan preocupación](#), 7 February 2023; La Diaria Educación, [Docentes sindicalizados rechazaron "práctica antidemocrática" al disponer de recursos estatales para "espionar y perseguir" a profesores y estudiantes](#), 6 February 2023.

³⁶⁴¹ Montevideo Portal, [Tras audios de Astesiano, docentes y trabajadores de Secundaria expresan preocupación](#), 7 February 2023; La Diaria Educación, [Docentes sindicalizados rechazaron "práctica antidemocrática" al disponer de recursos estatales para "espionar y perseguir" a profesores y estudiantes](#), 6 February 2023; Cuenta de X de Fenapes (@FenapesUruguay), [16 February 2023](#); Asociación de la Prensa Uruguaya, [Escándalo de filtraciones de vigilancia ilegal a docentes y estudiantes en Uruguay](#), February 8, 2023; TeleSurTV, [Gremios denuncian espionaje contra docentes en Uruguay](#), February 7, 2023; Universidad de la República Uruguay, [ADUR repudia el espionaje y seguimiento policial a educadores y estudiantes](#), February 7, 2023.

³⁶⁴² IACHR, Annual Report 2022, Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50 rev. 1, March 6, 2023, para. 1345.

³⁶⁴³ Information received by the Office of the Special Rapporteur for Freedom of Expression in 2023. Archive of the Rapporteurship.

³⁶⁴⁴ X account of Charles Carrera Leal (@ChCarreraLeal), [May 8, 2023](#).

³⁶⁴⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, Standards for a free, open and inclusive internet. OEA/Ser.L/V/II IACHR/RELE/INF.17/17, March 15, 2017, para. 210 et seq.

³⁶⁴⁶ UN, The Right to Privacy in the Digital Age, UN Doc. A/RES/68/167, January 21, 2014, para. 4; IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet, OEA/Ser.L/V/II.149. Doc. 50, December 31, 2013, para. 23.

1603. On the other hand, this Office also followed up on reports received regarding alleged restrictions on the right to public information. According to a report by the Center for Archives and Access to Public Information (CAINFO), which evaluates the situation of freedom of expression and press freedom in Uruguay between April 2022 and March 2023, there was a deterioration in compliance with the obligations of active transparency and an increase in opacity in the activity of public officials.

1604. For example, the Rapporteurship learned that the media *Semanario Brecha* had sent on December 14, 2022 a request for information to the Ministry of the Interior and its General Directorate of Corporate Oversight in order to investigate the alleged links between the former Chief of Security of the Presidency and a private security company³⁶⁴⁷. According to the information reported, the deadlines established by law to provide a response were not complied with, and the history of irregularities was denied on the grounds that this information was protected by the law on the protection of personal data. Finally, on April 24, 2023, a judge in first instance resolved the amparo action in favor of *Semanario Brecha*, stating that "it is not appropriate to require the plaintiff to explain why or for what reason she is requesting the information" and that the right of access to information was "one of the most important rights of a republican, democratic and lawful State"³⁶⁴⁸. The decision appealed by the Ministry of the Interior was reportedly resolved by the Civil Court of Appeals of the Third Shift, which reportedly left the sentence in force³⁶⁴⁹. The Special Rapporteur welcomes this judicial decision, which guarantees the principle of transparency and strengthens citizen control over the functioning of the State and public administration.

1605. On the other hand, in 2023, the Rapporteurship followed up on the Audiovisual Communication Services Law ("media law"). According to the information available, a budgetary law would seek to amend Article 125 of the media law on the terms and procedures for the renewal of radio service licenses. In this way, the Ministry of Industry, Energy and Mining (MIEM) would have announced the renewal of more than 400 licenses that would expire in February 2025 for 2 more years, apparently without complying with previous evaluations or public hearings, as reported by the Latin American Observatory of Media Regulation and Convergence (OBSERVACOM) on June 28³⁶⁵⁰. According to MIEM's version, if this change is not made "the renewal of licenses for the provision of communication services for broadcasting would be affected by illegitimacy because they were granted during the period of change of government"³⁶⁵¹. According to available information, it was reported that "the main concern is to perpetuate the current concessions with facilities"³⁶⁵².

1606. Finally, the Special Rapporteurship learned of a draft bill that would have been proposed by the political party Cabildo Abierto between the end of 2022 and the beginning of 2023, which would supposedly seek to guarantee both political and social actors their right to access broadcasting services. According to the project, the broadcasting services would have the obligation to "provide citizens with information, analysis, opinions, comments and assessments [of a political nature] in an impartial, serious, rigorous, plural and balanced manner among political and social actors". The list of actors covered by this law could include "public and private university and academic institutions, unions and student associations, cooperatives", among others. In addition, the initiative would seek to create a "Political Communication Guarantee Board", which would have among its functions "to know 'everything related to information and political communication in the regulated broadcasting services'"³⁶⁵³. Some experts on the subject have expressed their concern about the initiative, among them, the former special rapporteur Edison Lanza, who said that this could imply a

³⁶⁴⁷ Brecha, [No comments](#), January 27, 2023.

³⁶⁴⁸ Brecha, [A response compelled by Justice](#), June 30, 2023.

³⁶⁴⁹ Brecha, [A response compelled by Justice](#), June 30, 2023.

³⁶⁵⁰ Observacom, [Uruguayan government proposes to automatically renew commercial radio licenses without prior evaluation or public consultation](#), June 28, 2023.

³⁶⁵¹ La Diaria Política, [Rendición de Cuentas: finally, the Ministry of Industry will extend radio licenses for two years](#), June 12, 2023.

³⁶⁵² La Diaria Política, [Rendición de Cuentas: finalmente, el Ministerio de Industria extend radio licenses for two years](#), June 12, 2023; La Diaria, [Más de lo mismo sobre las licencias radiales](#), June 13, 2023.

³⁶⁵³ Búsqueda, [Cabildo Abierto propone "Junta de Garantías en la Comunicación Política" que controle "imparcialidad" de medios de radiodifusión](#), 12-18 January 2023; La Diaria Política, [Para expertos, anteproyecto de CA para crear junta que fiscalice "imparcialidad" en los medios es "incompatible con el Estado democrático"](#), 13 January 2023.

"interference in the editorial line' of the media" and that a board to intervene in content was "incompatible with the democratic state"³⁶⁵⁴.

1607. The Inter-American Court has highlighted the importance of pluralism for the exercise of the right to freedom of expression, stating that it implies "tolerance and a spirit of openness, without which there is no democratic society"³⁶⁵⁵. Therefore, according to the Court, States have the duty to adopt the necessary measures so that all segments of the population can have access to the media³⁶⁵⁶.

C. Freedom of expression and the Internet

1608. Finally, in 2023, the Rapporteurship learned that the Instagram platform would have removed a publication made by the cartoonist Rodolfo Arotxarena in September 2022, which portrayed the attack against Argentine Vice President Cristina Fernandez de Kirchner occurred in 2022. According to public information, Arotxarena had experienced this type of incidents in previous occasions with caricatures of other Latin American presidents³⁶⁵⁷.

1609. This Office recalls that the guarantees of freedom of expression apply to the Internet in the same way as to all media. In this regard, RELE has emphasized that restrictions to freedom of expression on the Internet are only admissible under the American Convention when they comply with the "tripartite test", which provides that restrictions must be provided by law and pursue a legitimate aim recognized by international law, and be necessary and proportionate to achieve that aim³⁶⁵⁸.

³⁶⁵⁴ X account of Edison Lanza (@EdisonLanza), [January 13, 2023](#).

³⁶⁵⁵ I/A Court H.R., Case of "The Last Temptation of Christ" (Olmedo Bustos et al.) v. Chile, Merits, Reparations and Costs. Judgment of February 5, 2001, Series C No. 73, para. 69.

³⁶⁵⁶ I/A Court H.R., Case of the Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala, Merits, Reparations and Costs, Judgment of October 6, 2021, Series C No. 440, para. 88.

³⁶⁵⁷ Search, [Instagram censored Arotxa cartoon of Cristina Fernandez de Kirchner](#), March 16-22, 2023; Telenoche, [Instagram censored Arotxa cartoon of attack on Cristina](#), March 17, 2023.

³⁶⁵⁸ OAS General Assembly, Updated Principles on Privacy and Personal Data Protection, Resolution AG/RES. 2974 (LI-O/21), November 11, 2021.

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1610. The right to freedom of expression in Venezuela continues to be severely limited by a context of government intimidation, harassment, repression and stigmatization of journalists, rights defenders and other critical voices. The credibility of journalists who choose to comment on government activities continues to be undermined as public officials publicly question their work and threaten legal reprisals. Reports received by the Rapporteurship indicate that 81 radio stations were closed since 2022 by the State, including 5 in the first 5 months of 2023, leaving now up to 21% of the Venezuelan citizenry in "news deserts". Despite the enactment of the Law on Transparency and Access to Information of Public Interest in 2021, the State continues to deny requests for information without adequate legal justification, perpetuating an environment of significant opacity. Likewise, attacks against civil society and human rights defenders have continued, for example through the "Law Against Hate", used to censor dissenting voices. In addition to the limitations imposed on civic space, this Office continues to receive reports of disproportionate use of public force to disperse public protests. Finally, deficiencies in network infrastructure and exorbitantly high access costs continue to limit Internet access for much of Venezuela's population.

A. Journalism and democracy

1611. Venezuela continues to be a hostile environment for the practice of journalism. The Rapporteurship has continued to receive information on threats, intimidation and judicial harassment against journalists, in addition to the confiscation of work equipment and censorship of journalistic material.

1612. As in previous years, in 2023 there were reports of harassment and attacks on media facilities and journalists' organizations. On January 23, 2023, hooded individuals reportedly attacked the headquarters of the digital media *Palpitar Trujillano* with Molotov cocktails and stones. In December 2022, this media was reportedly the target of attacks on its social networks on four occasions³⁶⁵⁹. Also, on May 11, 2023, officials of the Bolivarian National Intelligence Service (SEBIN) reportedly carried out a raid and seized equipment at the headquarters of the news portal *Mundo Oriental*. It is alleged that the raid was in response to an administrative procedure related to the detention of former mayor Ernesto Paraqueima³⁶⁶⁰.

1613. In this regard, this Office recalls that intimidation and threats against social communicators severely curtail freedom of expression, and that it is the duty of the State to prevent and investigate these acts³⁶⁶¹. The Commission and its Office of the Special Rapporteur have maintained that attacks against journalists and the media are aimed at silencing them, and therefore, in addition to violating the individual right of reporters to express and disseminate their ideas, opinions, and information, they also affect the right of society to freely access information³⁶⁶². An independent and critical press is a fundamental element for the validity of the other freedoms that make up the democratic system and the rule of law³⁶⁶³.

1614. As has been pointed out on several occasions, these attacks occur in a context of constant stigmatization of the press by public authorities and political leaders. For example, on January 27, the governor of Trujillo state allegedly described *Diario los Andes* and journalist Alexander González as "palangristas" and accused them of being participants in a "coup d'état", after a report that public workers of the entity are forced to attend government events³⁶⁶⁴. On April 14, the governor again attacked the same media and the journalist,

³⁶⁵⁹ Efecto Cocuyo, [Atacan con piedras y molotov la sede de un medio digital en Trujillo](#), January 23, 2023; IPYS, [Desconocidos atacaron la sede del medio Palpitar Trujillano](#), January 25, 2023.

³⁶⁶⁰ Punto de Corte, [SNTP rechaza el allanamiento e incautación de equipos del diario Mundo Oriental en El Tigre](#), May 9, 2023; Espacio Público, [Funcionarios del SEBIN allanaron la sede del medio Mundo Oriental en Anzoátegui](#), May 11, 2023.

³⁶⁶¹ IACHR, Declaration of Principles on Freedom of Expression, 2000.

³⁶⁶² IACHR, Background and interpretation of the Declaration of Principles; IACHR, Office of the Special Rapporteur for Freedom of Expression, Violence against journalists and media workers: Inter-American standards and national practices on prevention, protection and the pursuit of justice. 2013. OEA/Ser.L/V/II.

³⁶⁶³ IACHR, Background and interpretation of the Declaration of Principles; IACHR, Report on the Situation of Human Rights in Mexico, OEA/Ser.L/V/II.100, Doc 7 rev.1, September 24, 1998, para. 649.

³⁶⁶⁴ SNTP Twitter account (@sntpvenezuela). [January 27, 2023](#); Cepaz. February 24, 2023. [Cepaz documented 187 cases of persecution and criminalization in January 2023](#).

linking them with alleged acts of corruption³⁶⁶⁵. Likewise, on February 28, the mayor of Piar municipality, Bolivar state, reportedly accused journalists from different media of "exercising media terrorism" because they covered a protest by relatives of patients who died during the pandemic³⁶⁶⁶. The Rapporteurship also views with concern the persistent stigmatizing statements made by Congressman and host of the program "Con el Mazo Dando", Diosdado Cabello, against the press, on a Venezuelan public TV channel³⁶⁶⁷.

1615. The Rapporteurship reiterates its concern about the judicial harassment of journalists with the aim of silencing criticism of public authorities in the exercise of their functions. In February 2023, the mayor of the municipality of Piar reportedly threatened to sue six journalists for their informative work³⁶⁶⁸. In May, journalist Sebastiana Barráez denounced a threat of arrest against her by a juvenile judge in Caracas for reporting on a case of alleged abuses of power by the Venezuelan ambassador to Equatorial Guinea in the context of a lawsuit for the custody of her children³⁶⁶⁹. In June, the governor of Táchira reportedly stated his intention to sue for "defamation and slander" those who "unfoundedly" denounced problems in the state; previously, the same official had reportedly threatened journalist Sebastiana Barráez and political leaders.³⁶⁷⁰

1616. The Rapporteurship recalls that public officials have a position of guarantor of the fundamental rights of individuals and, therefore, their statements cannot disregard these rights or constitute forms of direct or indirect interference or harmful pressure on the rights of those who seek to contribute to public deliberation through the expression and dissemination of their thoughts, such as journalists³⁶⁷¹.

1617. Likewise, the State's duty to guarantee freedom of expression implies a positive obligation to create an environment conducive to freedom of expression and the right to information, inter alia, by fostering the independence of the media as a fundamental means of promoting a robust and open debate on matters of public interest³⁶⁷².

1618. On the other hand, RELE continues to observe the use of criminal law for intimidation purposes. According to public information, on January 25, a prosecutor of the Public Prosecutor's Office and a commission of the Scientific, Criminal and Criminalistic Investigations Corps (CICPC) visited the home of the editor-in-chief of the newspaper *El Nacional* and took him to testify at the headquarters of the MP in Caracas, in a procedure that reportedly lasted more than 3 hours. The summons was reportedly extended to four other journalists of the newspaper³⁶⁷³. According to them, the summons was linked to a series of journalistic investigations.

1619. On May 5, journalist Gustavo Azocar was reportedly summoned by the Public Prosecutor's Office in Táchira state for an alleged complaint related to publications on his social networks. The journalist

³⁶⁶⁵ Diario Los Andes, [Piden al Ministerio Público y a la Defensoría del Pueblo cese de ataques del gobernador de Trujillo contra la prensa](#), April 24, 2023; IPYS, [Gobernador de Trujillo vuelve a atacar discursivamente a Diario Los Andes](#), April 18, 2023.

³⁶⁶⁶ Cocuyo Effect. March 1, 2023. [Why the mayor of upata threatened local journalists](#); Espacio público. March 1, 2023. [Pro-government mayor threatened six journalists for covering complaints in Upata](#).

³⁶⁶⁷ Alberto News X account (@AlbertoRodNews), [February 2, 2023](#); IPYS, [Diosdado Cabello issued disqualifications against Alberto Rodríguez Palencia](#), February 6, 2023.

³⁶⁶⁸ Efecto Cocuyo, [Por qué la alcaldesa de upata amenazó a periodistas locales](#), March 1, 2023; Espacio público, [Alcaldesa oficialista amenazó a seis periodistas por cubrir denuncias en Upata](#), March 1, 2023.

³⁶⁶⁹ Twitter account of Sebastiana Barráez (@SebastianaB), [May 20, 2023](#); Efecto Cocuyo, [Journalist Sebastiana Barráez denounces that judge threatened to arrest her](#), May 22, 2023.

³⁶⁷⁰ Instagram account of Táchira Noticias (@tachiranoticias), [June 15, 2023](#); Espacio Público, [Governor of Táchira threatens to sue those who denounce problems in the entity](#), June 16, 2023.

³⁶⁷¹ I/A Court H.R., Case of Ríos et al. v. Venezuela, Preliminary Objections, Merits, Reparations and Costs, Judgment of January 28, 2009, Series C No. 194, para. 139.

³⁶⁷² UN, OSCE, OAS, ACHPR, [Joint Declaration on Political Leaders, Public Officials and Freedom of Expression](#), 2021.

³⁶⁷³ El Nacional, [El Nacional denuncia arremetida: MP y Cicpc se llevan a declarar a jefe de redacción José Gregorio Meza y citan a otros 4 periodistas](#), January 25, 2023; SNTF Twitter account (@sntfvenezuela), [January 26, 2023](#).

reported that he could not provide further details of the case but stated that it is linked to his work through social networks³⁶⁷⁴.

1620. In addition, RELE continued to monitor the situation of journalist Roland Carreño, who since October 26, 2020 has been detained in intramural prison for allegedly committing the crimes of conspiracy, illicit trafficking of weapons of war and ammunition, and financing terrorism. On October 18, the journalist was released along with other persons deprived of their freedom for political reasons, as part of an agreement signed in Barbados between the Plataforma Unitaria Democrática (PUD) and the Government, which outlines a road map for the holding of presidential elections³⁶⁷⁵.

1621. Carreño's case had been pending for more than 2 years and 9 months³⁶⁷⁶. During the judicial process against Carreño, allegations of irregularities were received, such as the unjustified postponement of hearings, the deliberate disregard of requests made by the defense, including requests for evidence in his favor that have been ignored by the prosecution, among other procedural aspects. In this regard, RELE learned that on July 18, the Supreme Court of Justice revoked the jurisdiction of the Third Court of Caracas with jurisdiction on terrorism, which would have prejudiced at least the cases of 45 people detained for political reasons, including Roland Carreño. This measure generated the interruption of the judicial proceedings and their restart in a new court, which in the case of Carreño would have had a particularly disproportionate impact, given that he was awaiting sentencing³⁶⁷⁷. The new judge in the case against the journalist set the opening of the trial for September 28.³⁶⁷⁸

1622. It also highlights the case of journalist Roberto Deniz, who since October 2021 is being sued in a criminal proceeding for the alleged crime of incitement to hatred, linked to his journalistic work. Roberto Deniz currently lives outside Venezuela and his family members have been beneficiaries of precautionary measures from the IACHR since February 2020. Since 2022, the journalist has had an arrest warrant in the framework of such criminal proceedings, including a request for inclusion of a red alert with Interpol. Throughout 2022, Roberto Deniz was reportedly the target of harassment campaigns online³⁶⁷⁹. On July 12, 2023, the owner of the TV channel *Globovisión*, allegedly disqualified the journalist as a "cheap", allegedly after having criticized the channel's position of not covering a debate between pre-candidates of the opposition for the presidency³⁶⁸⁰.

1623. This office also welcomes the release of photojournalist Carlos Germán Debais on June 6, who had been detained since November 12, 2021 in the El Rodeo II prison in Guatire. The journalist was detained for taking pictures with a drone of the Amuay refinery, in Falcón state. Debais would be under presentation regime and in compliance with the conditions dictated by the court in the case³⁶⁸¹.

1624. This Office has pointed out that violence against journalists can be generated through the use of criminal law to punish, repress, inhibit expressions critical of the actions of state authorities or on issues of public interest³⁶⁸². According to Principle 13 of the Declaration of Principles on Freedom of Expression of the

³⁶⁷⁴ El Carabobo, [Periodista Gustavo Azócar fue citado a fiscalía por denuncia formulada a través de redes sociales](#), May 5, 2023; Monitoreamos, [El periodista Gustavo Azócar acudió a la Fiscalía tras una denuncia anónima en su contra](#), May 5, 2023.

³⁶⁷⁵ Efecto Cocuyo, [Liberan a Roland Carreño, Juan Requesens y otros tres presos políticos](#), October 19, 2023; ABC, [Maduro excarcela a cinco presos políticos a cambio del levantamiento parcial de sanciones](#), October 19, 2023.

³⁶⁷⁶ Circuito Éxitos / YouTube (@circuito exitos), [June 1, 2023](#); TVV Network / YouTube, [June 2, 2023](#); Vivo Play / YouTube, [June 21, 2023](#); Noticiero Digital X account (@NDtitulares), [June 21, 2023](#).

³⁶⁷⁷ Efecto Cocuyo, [Juicios de presos políticos como Roland Carreño, Javier Tarazona y Darío Estrada comenzarán de cero](#), July 15, 2023; Transparencia Venezuela, [TSJ despoja a Juzgado Penal de Caracas de Competencias sobre Terrorismo](#), July 18, 2023.

³⁶⁷⁸ Infobae, [Maduro regime to resume trial against Venezuelan journalist Roland Carreño](#), September 6, 2023.

³⁶⁷⁹ IACHR, Annual Report 2022, Annual Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50, March 6, 2023, para. 1379.

³⁶⁸⁰ X account of Raúl Gorrín (@RaulGorrinB), [July 12, 2023](#); TalCual, [SNTTP rechaza amenazas de Raúl Gorrín contra El Pitazo](#), July 13, 2023.

³⁶⁸¹ Tal Cual, [Autoridades excarcelan al reportero gráfico Carlos Debais](#), June 6, 2023; Espacio Público, [Excarcelan al reportero gráfico Carlos Germán Debais](#), June 7, 2023.

³⁶⁸² IACHR, Office of the Special Rapporteur for Freedom of Expression, Zonas Silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión, OEA/Ser.L/V/II, IACHR/RELE/INF.16/17, March 2017, para. 28.

IACHR, the use of State power and ordinary institutional mechanisms with the aim of pressuring, threatening and punishing social communicators and the media based on their lines of reporting violates freedom of expression³⁶⁸³. As has been previously pointed out, "when the law is used for the purpose of eliminating or appeasing criticism or dissent, what exists is persecution and not a legitimate attempt to strengthen the rule of law"³⁶⁸⁴.

1625. Furthermore, RELE recalls that according to recent Inter-American jurisprudence, "in the case of speech protected by public interest, such as those referring to the conduct of public officials in the exercise of their functions, the punitive response of the State through criminal law is not conventionally appropriate"³⁶⁸⁵.

1626. On the other hand, the Rapporteurship remains concerned about the pattern of closure of independent media outlets based on the alleged failure to comply with administrative requirements for the use of radio space. According to a report by IPYS Venezuela, this is due in part to the silence of Conatel, the administrative body in charge of issuing permits to operate. In addition to these obstacles, there is a context described as "economic asphyxia" for radio stations, due to the lack of economic resources and optimal infrastructure conditions that would allow them to carry out their transmissions³⁶⁸⁶.

1627. According to the organization Espacio Público, in 2022, the Venezuelan State ordered the closure of at least 81 radio stations, becoming the highest figure in the last two decades, which would total at least 285 closures nationwide³⁶⁸⁷. Likewise, RELE received information on the closure of five radio stations during the first five months of 2023 by orders of Conatel, specifically in the states of Portuguesa (2), Táchira (1), Anzoátegui (1) and Bolívar (1)³⁶⁸⁸. In June, *Radio Caracas Radio*, the oldest radio station in the country, definitively ceased operations after its online transmissions were terminated for alleged reasons of economic sustainability³⁶⁸⁹. In addition, there were closures of local programs, often due to interference and orders from CONATEL agents. Local journalists also reported pressures for closure of operating programs by public, regional and local authorities. According to the information provided, in March four programs were closed; three of them radio programs and one broadcast via social networks³⁶⁹⁰; in May three radio programs were closed³⁶⁹¹.

1628. According to the study "Atlas de Silencio" by IPYS Venezuela, at least 21% of the population lives in "news deserts", i.e. areas where access to local information is insufficient³⁶⁹². as a consequence of the closure of radio stations, mainly³⁶⁹³. Most of the deserts are located in medium and small municipalities³⁶⁹⁴. The states of Táchira, Zulia and Sucre would be the most affected by the "information aridity", according to the report³⁶⁹⁵. Likewise, the study warns that the precarious conditions of infrastructure, border areas and socioeconomic level also have an impact on the existence of news deserts³⁶⁹⁶. In a similar vein, the organization

³⁶⁸³ IACHR, Background and Interpretation of the Declaration of Principles on Freedom of Expression.

³⁶⁸⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, A Hemispheric Agenda for the Defense of Freedom of Expression, OEA/Ser.L/V/II IACHR/RELE/INF. 4/09, February 25, 2009, para. 82.

³⁶⁸⁵ I/A Court H.R., Alvarez Ramos v. Venezuela, Preliminary Objection, Merits, Reparations and Costs, Judgment of August 30, 2019, Series C No. 380, para. 121.

³⁶⁸⁶ IPYS, [An anarchic soundscape. Radio conditions in Venezuela for electoral coverage](#), February 13, 2023.

³⁶⁸⁷ Espacio Público, [Informe 2022: Situación del derecho a la libertad de expresión e información en Venezuela](#), May 3, 2023; Crónica.Uno, [285 emisoras han sido cerradas en los últimos 20 años según Espacio Público](#), May 3, 2023.

³⁶⁸⁸ IPYS, [Onda 97.3 FM in Puerto Ordaz confirmed closure by Conatel](#), June 14, 2023.

³⁶⁸⁹ Efecto Cocuyo, [Radio Caracas Radio definitively ceases broadcasting](#), June 29, 2023; Espacio Público, [RCR ceases broadcasting after 93 years of uninterrupted work](#), June 29, 2023.

³⁶⁹⁰ Public Space, [March: widespread censorship](#), April 4, 2023.

³⁶⁹¹ Public Space, [May: Criticism on the prowl](#), June 6, 2023.

³⁶⁹² IPYS, [Atlas del silencio](#), June 8, 2023.

³⁶⁹³ IPYS, [Atlas del silencio](#), June 8, 2023.

³⁶⁹⁴ IPYS, [Atlas del silencio](#), June 8, 2023.

³⁶⁹⁵ IPYS, [Atlas del silencio](#), June 8, 2023.

³⁶⁹⁶ IPYS, [Atlas del silencio](#), June 8, 2023.

Espacio Público published a report that concluded that "there are at least 13 silenced zones", referring to 13 states in the country with little or no access to news sources with diverse and independent publishers³⁶⁹⁷.

1629. RELE highlights that this context has a severe impact on the right to freedom of expression, as it limits the right of Venezuelan citizens to access information of public interest through independent, plural and diverse sources. It also notes that the expansion of the zones of silence may constitute an obstacle to transparency and accountability of the Government and the control of corruption and abuses of power³⁶⁹⁸.

1630. Finally, the Rapporteurship learned of alleged obstructions to reporting by State security forces and officials of institutions during coverage of social protests³⁶⁹⁹, events at health centers³⁷⁰⁰ and supermarkets³⁷⁰¹, and other events³⁷⁰². This Office recorded several cases in which journalists were threatened or forced to erase audiovisual material collected in the course of their work³⁷⁰³, or to hand over their cell phones³⁷⁰⁴. On some occasions, journalists have reported that unknown individuals or state agents have taken photographs or recorded them, which they consider an act of intimidation³⁷⁰⁵.

1631. The Rapporteurship recalls that unjustified restrictions on access to coverage of events of public interest violate the right to freedom of expression³⁷⁰⁶. In this regard, it is important that States adequately instruct security forces on the role of the press, in order to prevent obstruction and undue interference in their work³⁷⁰⁷.

B. Freedom of expression, rule of law and democratic institutions

1632. As the IACHR has been monitoring, Venezuela is experiencing a deepening political and social crisis and widespread repression, which has resulted in the absence of the rule of law and the progressive weakening of its democratic institutions³⁷⁰⁸. In 2023, the pattern of persecution, harassment and threats continued against civil society organizations, members of the political opposition, social and union leaders, public workers, university staff and human rights defenders through the application of restrictive legislation, arrests and judicial proceedings, stigmatizing statements, repression in the context of public demonstrations and attacks against university autonomy.

³⁶⁹⁷ Espacio Público, [Zonas silenciadas: 13 states of Venezuela](#), May 3, 2023.

³⁶⁹⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Zonas silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión](#), OEA/Ser.L/V/II CIDH/RELE/INF.16/17, March 15, 2017.

³⁶⁹⁹ Espacio Público, [Funcionarios impiden paso de la prensa a protesta laboral en Bolívar](#), January 13, 2023; IPYS, [Impiden acceso a periodistas para cubrir protesta de Sidor en Bolívar](#), January 17, 2023; Nueva Prensa Digital, [Periodistas agredidos por oficialistas en la Plaza Bolívar de San Félix](#), March 7, 2023; Espacio Público, [Comandante de la GNB intimidó y amenazó a la prensa que cubrían protesta en Sidor](#), June 12, 2023.

³⁷⁰⁰ Espacio Público, [Impiden el acceso a la prensa en el Hospital Central de Maturín](#), May 16, 2023; IPYS, [Prohíben el acceso a reporteros en hospital de Monagas](#), May 19, 2023.

³⁷⁰¹ Espacio Público, [Funcionarios policiales agreden a la periodista Regina Freites](#), June 20, 2023; IPYS, [Periodista fue agredida por policías municipales en Carúpano](#), June 26, 2023.

³⁷⁰² SNTP X account (@sntpvenezuela), [February 24, 2023](#); Espacio Público, [Situación general del derecho a la libertad de expresión e información enero - abril 2023](#), May 2, 2023.

³⁷⁰³ SNTP X account (@sntpvenezuela), [April 5, 2023](#); Espacio Público, [Public Prosecutor's Office official intimidated journalist covering protest in Punto Fijo](#), April 10, 2023.

³⁷⁰⁴ Espacio Público, [Comandante de la GNB intimidó y amenazó a la prensa que cubrían protesta en Sidor](#), June 12, 2023; IPYS, [Fuerzas de seguridad intimidaron a reporteros durante protesta en Sidor](#), June 14, 2023.

³⁷⁰⁵ IPYS, January 13, 2023. [Workers of the El Tigre mayor's office intimidated the team of Diario El Vistazo](#); SNTP X account (@sntpvenezuela), [May 18, 2023](#); El Impulso, [Periodistas en Monagas y Bolívar fueron víctimas de agresiones y usurpación de identidad #19May](#), May 19, 2023.

³⁷⁰⁶ UN, OAS, [Joint Declaration on violence against journalists and communicators in the framework of social demonstrations](#), September 13, 2013.

³⁷⁰⁷ UN, OAS, [Joint Declaration on violence against journalists and communicators in the framework of social demonstrations](#), September 13, 2013.

³⁷⁰⁸ IACHR, Annual Report 2022, [Chapter IV.B. Venezuela](#), paras. 1 and 2; Annual Report 2019, [Chapter IV. B. Venezuela](#), paras. 1 and 2.

1633. As in previous years, the Rapporteurship continues to observe a context of state opacity in Venezuela, despite the adoption of a law on access to information in September 2021³⁷⁰⁹. In 2023, the organization Espacio Público disclosed that in the first semester they submitted 28 requests for information to public bodies, of which 3 were directly rejected without legal justification, and the rest were not answered³⁷¹⁰.

1634. This Office reiterates that access to State-held information is a fundamental right and that States are obliged to guarantee the exercise of this right. This principle only admits exceptional limitations that must be previously established by law in the case of a real and imminent danger that threatens national security in democratic societies³⁷¹¹.

1635. According to the Inter-American standards on freedom of expression, "the actions of the State must be governed by the principles of publicity and transparency in public administration, which makes it possible for the people under its jurisdiction to exercise democratic control over the State's actions, so that they can question, inquire and consider whether public functions are being properly carried out"³⁷¹².

1636. On the other hand, a hostile context prevails for the operation of human rights organizations in Venezuela. In 2023, the IACHR and its Special Rapporteurship expressed their concern over the approval of the draft "Law for the Control, Regularization, Performance and Financing of Non-Governmental and Related Organizations" in first discussion by the National Assembly³⁷¹³. The bill, in addition to limiting the activities that may be carried out by the organizations, grants the State authorities the power to unilaterally dissolve those that participate, in their judgment, in political activities or activities that threaten national stability and the institutions of the Republic. It should be noted that the presentation of the bill before the National Assembly was characterized by stigmatizing references to 62 civil society organizations, which were described as "enemies", "traitors of the homeland" and "facades of parties"³⁷¹⁴. The Office of the High Commissioner for Human Rights and the Independent International Fact-Finding Mission also expressed concerns about the current legal proposal. As of the closing date of this report, the draft is reportedly in the public consultation phase.³⁷¹⁵

1637. The IACHR and its RELE note that this is not the first time that the Venezuelan State has sought to impose restrictions on the operation of civil society organizations³⁷¹⁶. In 2022, the IACHR and the RELE rejected the draft bill of the International Cooperation Law³⁷¹⁷ and in 2021 rejected the administrative order seeking the registration of non-profit organizations before the Venezuelan National Office Against Organized Crime and Financing of Terrorism³⁷¹⁸. In relation to the International Cooperation Law, the Rapporteurship reported that, in February 2023, legislative discussions continued and on March 1, the final text of 26 articles was approved in the Permanent Commission of Foreign Policy, Sovereignty and Integration of the National Assembly. In addition, it was announced that the text would be sent to the National Assembly's Board of

³⁷⁰⁹ IACHR, Annual Report 2022, Annual Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50, March 6, 2023, para. 1386.

³⁷¹⁰ Public Space, [General Situation of the Right of Access to Public Information: January-June 2023](#), July 10, 2023.

³⁷¹¹ IACHR, Declaration of Principles on Freedom of Expression, 2000.

³⁷¹² I/A Court H.R., Case of Claude Reyes et al. v. Chile. Case of Claude Reyes et al. v. Chile, Merits, Reparations and Costs, Judgment of September 19, 2006, Series C No. 151, para. 86.

³⁷¹³ IACHR, [IACHR and RELE express concern over bill limiting citizen participation in Venezuela](#), Press Release No. 036/23, March 6, 2023.

³⁷¹⁴ IACHR, [IACHR and RELE express concern over bill limiting citizen participation in Venezuela](#), Press Release No. 036/23, March 6, 2023.

³⁷¹⁵ International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, [Venezuela: The NGO Bill, A Possible Point of No Return in the Closing of Civic Space](#), January 30, 2023; Office of the United Nations High Commissioner for Human Rights, [UN High Commissioner for Human Rights Volker Türk Concludes Official Mission to Venezuela](#), January 28, 2023.

³⁷¹⁶ IACHR, [The IACHR and its RELE reject the registration of non-profit organizations with the National Office against Organized Crime and Terrorist Financing in Venezuela](#), Press Release No. 108/21, April 30, 2021.

³⁷¹⁷ IACHR, [IACHR and RELE urge Venezuela not to approve the draft "International Cooperation Law"](#), Press Release No. 130/22, July 8, 2022.

³⁷¹⁸ IACHR, [The IACHR and its RELE reject the registration of non-profit organizations with the National Office against Organized Crime and Terrorist Financing in Venezuela](#), Press Release No. 108/21, April 30, 2021.

Directors for review and initiation of public consultation³⁷¹⁹. According to the most recent OHCHR report on the human rights situation in Venezuela, this legislation "would be added to pre-existing registration procedures, such as the Single Registry of Obligated Subjects (RUSO) and the Autonomous Registry and Notary Service (SAREN)"³⁷²⁰.

1638. In addition, there have been reports of criminalization, stigmatization, smear campaigns, surveillance and other acts of intimidation and harassment against human rights defenders as a result of their activities³⁷²¹. According to the organization Center for Defenders and Justice, legislative advances against civil society and a public narrative of criminalization of international cooperation led to an increase in the number of aggressions against human rights organizations during the first quarter of 2023, compared to the same period during 2022³⁷²².

1639. For example, in 2023, information was received about alleged monitoring and surveillance actions allegedly committed by State agents against union leaders and members of the civil association *Coalición Sindical Nacional de Trabajadores (CSNT)*. These actions are allegedly linked to the exercise of their union activity in relation to the call for and mobilization of protests in various parts of the country against the ONAPRE instructions and in search of better working conditions. Considering the situation of serious and imminent risk to their rights to life and integrity, on April 1, 2023, the IACHR granted precautionary measures to seven members of the CSNT and requested the State to adopt the necessary protection measures so that the beneficiaries can continue to carry out their union leadership activities without being subject to threats, intimidation, harassment or acts of violence³⁷²³.

1640. In addition, in May, Congressman Diosdado Cabello again used the program "Con el Mazo Dando", broadcast by the state TV channel, to attack ten civil society organizations, questioning their performance and their international funding³⁷²⁴.

1641. In this context, the Rapporteurship is concerned about the situation of the human rights defender and director of the organization *Fundaredes*, Javier Tarazona, who in July 2023 completed two years in detention and continues to be in poor health³⁷²⁵. Javier Tarazona has been the beneficiary of precautionary measures granted by the IACHR since June 18, 2020. On October 30, 2022, the IACHR issued a resolution of follow-up and modification of the precautionary measures with the objective of reflecting his situation of deprivation of liberty, requesting the State, among other measures, to evaluate the possibility of adopting alternative measures to prison³⁷²⁶. The aforementioned decision of the Supreme Court of Justice to revoke the jurisdiction of the Third Court of Caracas with jurisdiction over terrorism would have harmed Tarazona's case, among others³⁷²⁷.

³⁷¹⁹ Venezuelan National Assembly, [Foreign Policy Commission approves International Cooperation Bill](#), March 1, 2023.

³⁷²⁰ United Nations High Commissioner for Human Rights, *Situation of human rights in the Bolivarian Republic of Venezuela*, A/HRC/53/54, 4 July 2023, para. 68.

³⁷²¹ Center for Defenders and Justice, [Situation of Human Rights Defenders in Venezuela. First quarter of 2023](#), April 2023.

³⁷²² Center for Defenders and Justice, [Situation of Human Rights Defenders in Venezuela. First quarter of 2023](#), April 2023.

³⁷²³ IACHR, [Resolution 15/2023](#), Precautionary Measures No. 66-23, Carlos Eduardo Salazar Ojeda et al. (Union leaders of the civil association *Coalición Sindical Nacional de Trabajadores*) regarding Venezuela, April 1, 2023.

³⁷²⁴ Center for Justice and Peace, [Monitoring persecution and criminalization in Venezuela](#), May 2023; Center for Defenders and Justice, [Situation of Human Rights Defenders in Venezuela. First semester of 2023](#), July 2023.

³⁷²⁵ UN High Commissioner for Human Rights, [Venezuela must ensure transparent and inclusive elections](#), July 5, 2023; Access to Justice, [Chronology of the Fundaredes NGO case](#), July 3, 2023.

³⁷²⁶ IACHR, [Resolution 60/22](#), Precautionary Measure No. 258-20 José Javier Tarazona Sánchez regarding Venezuela, October 30, 2022.

³⁷²⁷ Efecto Cocuyo, [Juicios de presos políticos como Roland Carreño, Javier Tarazona y Darío Estrada comenzarán de cero](#), July 15, 2023; Transparencia Venezuela, [TSJ despoja a Juzgado Penal de Caracas de Competencias sobre Terrorismo](#), July 18, 2023.

1642. In view of the aforementioned facts, the Rapporteurship reiterates that human rights defenders play a fundamental role in the consolidation of a democratic society and the rule of law, for which reason the State has the obligation to guarantee an environment conducive to the exercise of their work³⁷²⁸.

1643. It also recalls that freedom of association is a fundamental tool for the full and complete exercise of the work of human rights defenders. Therefore, it is necessary for the State to have competent bodies for its registration without arbitrarily and disproportionately limiting this freedom. Although the obligation to guarantee the right of association does not prevent the State from regulating the registration, oversight and control of organizations within its jurisdictions, it must ensure that legal requirements do not prevent, delay or limit the creation or operation of these organizations³⁷²⁹.

1644. The Rapporteurship also notes that the instrumentalization of criminal law - through concepts such as "incitement to hatred" and "boycott", and other crimes with broad and ambiguous language - to intimidate and punish people who criticize the government continues to be a trend. On June 14, a cardiologist doctor was allegedly detained in the city of Valera, Trujillo state, under the alleged charges of boycott, treason and others, after denouncing irregularities in the supply of gasoline from a service station allegedly belonging to her family³⁷³⁰. Likewise, on June 18 and June 20, the Attorney General of the Republic reported the arrest of two farmers in the state of Merida for the crime of boycott³⁷³¹. According to information received, the detention would be motivated by videos published by the farmers on social networks, in which they appeared discarding their crops and throwing them into the river as a sign of protest against the shortage of fuel to move and market their products³⁷³². The two people were later released³⁷³³.

1645. According to the information received, the "law against hate" also continues to be used as an instrument of censorship against individuals and even public officials. On May 1, Servando Marín, a columnist for the *Aporrea* portal, was reportedly arrested by CICPC officers in Cumaná, Sucre state, on charges of incitement to hatred, allegedly for criticizing environmental and architectural issues³⁷³⁴. On May 7, the co-founder of *Aporrea* reported that Marín was released under a regime of presentation before the court³⁷³⁵. Likewise, on May 4, the Attorney General of the Republic announced that he had issued an arrest warrant under the charge of incitement to hatred against the former mayor of El Tigre, Anzoátegui state, Ernesto Paraqueima, due to a series of comments the official had made against a mural in his town, to raise awareness about autism spectrum disorder³⁷³⁶.

1646. OHCHR has also reiterated its concern about "the widespread application of the Constitutional Law against Hate, for Peaceful Coexistence and Tolerance to criminalize and delegitimize the work of human

³⁷²⁸ UN, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/74/349, 11 September 2019, para. 25; UN, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/20/27, 21 May 2012, paras. 12 and 13.

³⁷²⁹ IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II, December 31, 2011, paras. 157 and 163; I/A Court H.R., Case of Baena Ricardo et al. v. Panama, Merits, Reparations and Costs, Judgment of February 2, 2001, Series C No. 72, para. 158.

³⁷³⁰ Efecto Cocuyo, [Trujillanos exigen libertad para médica Mariana Barreto, detenida por denunciar irregularidades en gasolinera](#), June 18, 2023; Espacio Público, [Detienen a ciudadana que denunció irregularidades con combustible en Trujillo](#), June 20, 2023.

³⁷³¹ X account of the Attorney General of the Republic (@TarekWilliamSaab), [June 19, 2023](#); Finanzas Digital, [Agricultor de Trujillo será imputado por el Ministerio Público tras "destruir una gran cantidad de alimentos"](#), June 20, 2023.

³⁷³² Transparencia Venezuela, [¿Cuál es el delito cometido por los agricultores detenidos](#), 20 June 2023; Observatorio de Derechos Humanos de la ULA, [Estado venezolano viola derechos humanos de agricultores, incluido su derecho al trabajo](#), 25 June 2023.

³⁷³³ Infobae, [Liberan dos agricultores venezolanos detenidos por protestar por la falta de gasolina](#), June 21, 2023; Espacio Público X account (@espaciopublico), [June 21, 2023](#).

³⁷³⁴ Espacio Público, [Detienen y excarcelan a arquitecto Servando Marín por opinar y denunciar irregularidades](#), May 8, 2023; Aporrea, [Encarcelan a Servando Marín Lista, Presidente de la Fundación Ramón Badaracco y columnista de Aporrea](#), June 6, 2023.

³⁷³⁵ X account of Gonzalo Gómezm Freire (@GonzaloAporrea), [May 7, 2023](#).

³⁷³⁶ X account of the Public Ministry (@MinpublicoVEN), [May 4, 2023, May 4, 2023](#); Runrunes, [Alcalde de El Tigre violó ley para atención de personas dentro del espectro autista al ofender a niños con Asperger](#), May 3, 2023.

rights defenders, journalists and others"³⁷³⁷. Between May 1, 2022 and April 30, 2023, OHCHR documented nine such cases, for a total of 32 victims³⁷³⁸.

1647. According to civil society organizations, criminal proceedings under the anti-hate law do not culminate, but continue through excessive precautionary measures that would be judicially imposed for allegedly intimidating purposes against individuals³⁷³⁹.

1648. Since 2017, RELE has reiterated its call to the State to repeal the Anti-Hate Law, considering that it contradicts international standards on freedom of expression³⁷⁴⁰. In the opinion of the Special Rapporteurship, the restrictions imposed by this norm severely affect the exercise of the right to freedom of expression in Venezuela and generate a strong intimidating effect incompatible with a democratic society. In particular, it is noted that the law: a) uses vague figures and exorbitant and imprescriptible sanctions to penalize expressions of public interest; b) imposes burdensome obligations on all media, including the suppression and withdrawal of information of public interest; c) grants broad powers to the State to use the media and impose content³⁷⁴¹.

1649. In addition to these restrictions on civic space in Venezuela, this Office continued to receive reports on the disproportionate use of public force to disperse protests. According to the Venezuelan Observatory of Social Conflict, during the first five months of the year, 3900 peaceful protests were registered in the country, 86% of which were for the demand of economic, social, cultural and environmental rights. The other part of the demonstrations were reportedly led by unions and union leaders demanding their labor rights, especially for fair wages³⁷⁴². According to the organization PROVEA, in January 18 workers of Corporación Venezolana de Guayana were arrested and prosecuted for demanding better working conditions³⁷⁴³. On June 10, workers Juan Cabrera, Leonardo Azocar and Daniel Romero were reportedly detained by DGCIM officials and the last two were prosecuted by a court in Caracas for the crimes of boycott, association to commit a crime and incitement to hatred, after leading a protest at one of Sidor's plants³⁷⁴⁴. On June 14, it was reported that the First Instance Labor Trial Court of Bolívar state decreed an unnamed precautionary measure, at the request of the Corporación Venezolana de Guayana, which would restrict 22 Sidor workers from exercising their rights to strike and freedom of expression³⁷⁴⁵.

1650. The Office of the Special Rapporteur reiterates that social protest, which includes the exercise of the right to freedom of peaceful assembly without arms, freedom of association and freedom of expression, is a fundamental tool in the defense of democracy and human rights, and the State is obligated to respect,

³⁷³⁷ United Nations High Commissioner for Human Rights, Situation of human rights in the Bolivarian Republic of Venezuela, A/HRC/53/54, 4 July 2023, para. 65.

³⁷³⁸ United Nations High Commissioner for Human Rights. July 4, 2023. Situation of human rights in the Bolivarian Republic of Venezuela. A/HRC/53/54, para. 65.

³⁷³⁹ Public Space, [June 18: Counter Hate Speech Day](#), June 18, 2023.

³⁷⁴⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Special Rapporteurship for Freedom of Expression expresses grave concern over the approval of "the law against hate" in Venezuela and its effects on freedom of expression and press freedom](#), Press Release R179/17, November 10, 2017; IACHR, Office of the Special Rapporteur for Freedom of Expression, [La RELE condena el incremento de censura en Venezuela y reafirma su respaldo y compromiso con la plena vigencia de la libertad de prensa en el país](#), Comunicado de prensa R169/22, July 29, 2022.

³⁷⁴¹ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Office of the Special Rapporteur for Freedom of Expression expresses grave concern over the approval of "the law against hate" in Venezuela and its effects on freedom of expression and press freedom](#), Press Release R179/17, November 10, 2017.

³⁷⁴² Observatorio Venezolano de Conflictividad Social, [Situation of Civic Space in Venezuela. Side event at the Human Rights Council](#), June 28, 2023.

³⁷⁴³ Programa Venezolano de Educación Acción en Derechos Humanos, [Repression and arbitrary detentions: the balance of six days of protest at SIDOR](#), June 13, 2023.

³⁷⁴⁴ Programa Venezolano de Educación Acción en Derechos Humanos, [Represión y detenciones arbitrarias: el saldo de seis días de protesta en SIDOR](#), June 13, 2023; Espacio Público, [Tribunal de Primera Instancia criminaliza la protesta de 22 trabajadores de Sidor](#), June 14, 2023.

³⁷⁴⁵ Espacio Público, [Tribunal de Primera Instancia criminaliza la protesta de 22 trabajadores de Sidor](#), June 14, 2023; Programa Venezolano de Educación Acción en Derechos Humanos, [Represión y detenciones arbitrarias: el saldo de seis días de protesta en SIDOR](#), June 13, 2023.

protect and guarantee these rights³⁷⁴⁶. Regarding the obligation to protect and facilitate, the IACHR and its Office of the Special Rapporteur have pointed out that "the application of criminal law to the conduct of participants in a demonstration constitutes a serious restriction with serious consequences for freedom of expression, and the rights of assembly, association and political participation".³⁷⁴⁷

1651. For the Office of the Special Rapporteur, "(...) it is inadmissible in principle to criminalize *per se* demonstrations on public streets when they are carried out in the framework of the right to freedom of expression and the right to assembly. In other words: it must be analyzed whether the use of criminal sanctions is justified under the standard of the Inter-American Court that establishes the need to prove that such limitation (criminalization) satisfies an imperative public interest necessary for the functioning of a democratic society. In addition, it is necessary to assess whether the imposition of criminal sanctions constitutes the least harmful means to restrict freedom of expression practiced through the right of assembly manifested in a demonstration on public roads or in public spaces"³⁷⁴⁸.

1652. Finally, according to the information received, university autonomy continues to face challenges in Venezuela, including budget obstacles, attacks and interventions to university facilities, limited possibility of participation of the sector in the design of public policies that affect them, harassment, arrests and an environment of indirect pressures and lack of academic freedom in the conduct of research³⁷⁴⁹.

1653. In this context, on January 27, the arrest and subsequent release of human rights defender and university professor María Fernanda Rodríguez, who was reportedly arrested by CICPC officers as she left the Universidad Metropolitana in Caracas while on her way to perform her teaching duties, was reported. The arrest reportedly occurred the day after a meeting in which she had participated as a representative of civil society organizations with the United Nations High Commissioner for Human Rights, Volker Türk, in the framework of his visit to Venezuela³⁷⁵⁰.

1654. The IACHR and its Special Rapporteurs have highlighted the transcendental role of universities as centers for critical thinking and the exchange of ideas. At the same time, it highlights the close relationship between academic freedom and the construction and consolidation of a democratic society³⁷⁵¹. As established in the IACHR Principles on Academic Freedom, it implies "the right of every person to seek, generate and transmit knowledge, to be part of academic communities and to carry out autonomous and independent work to carry out activities of access to education, teaching, learning, teaching, research, discovery, transformation, debate, search, dissemination of information and ideas freely and without fear of reprisals. In addition, academic freedom has a collective dimension, consisting of the right of society and its members to receive information, knowledge and opinions produced within the framework of academic activity and to obtain access to the benefits and products of research, innovation and scientific progress"³⁷⁵². Within the framework of protection of academic freedom, "autonomy is an essential requirement (...) and functions as a guarantee for institutions of higher education to fulfill their mission and objectives of production and dissemination of knowledge"³⁷⁵³.

1655. The Rapporteurship recalls that the State of Venezuela must respect and guarantee university autonomy. In particular, it emphasizes that any state interference must meet the requirements of legality and

³⁷⁴⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, Social Protest and Human Rights, OEA/Ser.L/V/II CIDH/RELE/INF.22/19, September 2019, foreword and paras. 1-46.

³⁷⁴⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Social Protest and Human Rights, OEA/Ser.L/V/II IACHR/RELE/INF.22/19, September 2019, foreword and paras. 185.

³⁷⁴⁸ IACHR, Office of the Special Rapporteur for Freedom of Expression, Social Protest and Human Rights, OEA/Ser.L/V/II IACHR/RELE/INF.22/19, September 2019, foreword and paras. 187.

³⁷⁴⁹ Observatorio de Derechos Humanos de la Universidad de Los Andes, [Monthly reports on the situation of universities in Venezuela](#), 2023.

³⁷⁵⁰ Observatorio de Derechos Humanos de la Universidad de Los Andes, [Situación de las Universidades en Venezuela](#), January 2023; El Nacional, [Liberaron a la defensora de derechos humanos María Fernanda Rodríguez](#), January 27, 2023.

³⁷⁵¹ IACHR, [Inter-American Principles on Academic Freedom and University Autonomy](#), 2021.

³⁷⁵² IACHR, [Inter-American Principles on Academic Freedom and University Autonomy](#), Principle No. 1, 2021.

³⁷⁵³ IACHR, [Inter-American Principles on Academic Freedom and University Autonomy](#), Principle No. 2, 2021.

legitimate purpose, as well as suitability, necessity and proportionality under the precepts of a democratic society³⁷⁵⁴. Likewise, it is the duty of the State to prevent and investigate any type of act that constitutes intimidation, harassment, harassment or threat against individuals because of their participation in the academic community or the exercise of activities³⁷⁵⁵.

1656. In October, the IACHR and its RELE recognized the importance of the dialogue and the agreements reached between the Venezuelan government and the Unitary Platform, a political alliance that brings together some opposition parties. At the same time, they warned that for the dialogues to contribute to overcome the crisis, the State must guarantee the political participation of the opposition in the 2024 presidential elections³⁷⁵⁶.

1657. As a result of the agreements signed by the parties on October 17, the Venezuelan government committed itself to establish a timetable and a roadmap for the holding of presidential elections, guaranteeing the participation of all candidates without arbitrary restrictions, under equal conditions and with security guarantees³⁷⁵⁷. Additionally, the State released, on the occasion of these dialogues, a group of at least five persons arbitrarily detained.³⁷⁵⁸

1658. Broad, effective and participatory dialogue requires guarantees of freedom of expression, assembly and association. Currently in Venezuela there are still arbitrary restrictions on the political participation of opposition candidates, criminal prosecution for political reasons, legislative initiatives and judicial decisions that seek to control and limit the functions of civil society organizations, as well as intimidation of journalists and interference in the media³⁷⁵⁹.

1659. The IACHR and RELE underscore the relationship between political rights, freedom of expression, the right of assembly and freedom of association, and that these rights, together, strengthen and guarantee democracy. Therefore, the State must provide the conditions and mechanisms so that these rights can be exercised effectively and without any type of discrimination³⁷⁶⁰.

C. Freedom of expression and the fight against discrimination and exclusion

1660. The Rapporteurship has followed with special concern the situation of Venezuelan women journalists and activists, who face gender-based attacks. According to an analysis by the organization IPYS, between January and December 2022, at least 53 women suffered violations of their right to inform, including reporters, media directors, columnists, TV hosts, writers and activists. Likewise, up to March 1, 2023, the organization documented 18 cases of women affected for exercising their freedom of expression, which constitutes nearly half of the total number of records for 2022, even before the end of the first half of the year³⁷⁶¹.

1661. According to the information received, attacks against women journalists persist from anonymous accounts on social networks with the aim of discrediting them. Between January 11 and 14, journalist Carola Briceño Peña, of *El Nacional*, was allegedly the target of a smear campaign through anonymous

³⁷⁵⁴ IACHR, [Inter-American Principles on Academic Freedom and University Autonomy](#), 2021.

³⁷⁵⁵ IACHR, [Inter-American Principles on Academic Freedom and University Autonomy](#), 2021.

³⁷⁵⁶ IACHR, [Venezuela: IACHR Urges State to Implement Agreements, with Guarantees for Political Participation](#), Press Release No. 253/23, October 27, 2023.

³⁷⁵⁷ WOLA, [Reanudación de negociaciones sobre Venezuela representa un paso positivo, pero siguen existiendo obstáculos para elecciones libres y justas](#), 18 October 2023; Efecto Cocuyo, [Gobierno y Plataforma Unitaria acuerdan garantías electorales y presidenciales para el segundo semestre de 2024](#), 17 October 2023.

³⁷⁵⁸ Efecto Cocuyo, [Liberan a Roland Carreño, Juan Requesens y otros tres presos políticos](#), October 19, 2023; ABC, [Maduro excarcela a cinco presos políticos a cambio del levantamiento parcial de sanciones](#), October 19, 2023.

³⁷⁵⁹ IACHR, [Venezuela: IACHR Urges State to Implement Agreements, with Guarantees for Political Participation](#), Press Release No. 253/23, October 27, 2023.

³⁷⁶⁰ IACHR, [Venezuela: IACHR Urges State to Implement Agreements, with Guarantees for Political Participation](#), Press Release No. 253/23, October 27, 2023.

³⁷⁶¹ IPYS, [At least 18 women affected by information limitations in Venezuela so far in 2023](#), March 7, 2023.

accounts, supposedly linked to the government. According to the information available, she was accused of leading extortion networks against businessmen and politicians through a marketing and advertising agency³⁷⁶². This allegedly occurred after the journalist published an investigation in the aforementioned newspaper on two people linked to the Government³⁷⁶³. According to information received by this Office, at the beginning of February, Briceño reportedly moved from Cúcuta to Bogotá to request refuge from the Colombian government for fear of reprisals³⁷⁶⁴. Also, on May 5, several anonymous social media accounts reportedly published a video showing images of several journalists, including Carla Angola and Patricia Poleo, with "palangritas" tags³⁷⁶⁵.

1662. According to a work by the Fake News Hunters Observatory and the information coalition C-Inforna, certain accounts mentioned therein that were used to attack journalists Briceño, Angola and Poleo, are part of "a network of anonymous news accounts on Instagram that publish content in a heterogeneous way, interspersing real news (...) with advertising, memes and, occasionally, disinformative and propagandistic content that replicates the government's narratives"³⁷⁶⁶.

1663. Additionally, according to available information, journalist Laura Clisánchez has suffered harassment since May 2023 through anonymous accounts on social networks. In particular, it was reported that unknown subjects used her identity to create an email address and offer journalistic services³⁷⁶⁷. In the following days, the journalist reportedly filed a complaint for the crime of identity theft before the Public Prosecutor's Office³⁷⁶⁸. To date, RELE has not received any reports on the progress of the investigation.

1664. Likewise, the Rapporteurship received information about alleged death threats through social networks against journalist Ronna Rísquez and her family members, in the context of the promotion of her investigative book "El Tren de Aragua. La megabanda que revolucionó el crimen organizado en América Latina"³⁷⁶⁹. On February 3, the journalist reportedly filed a complaint with the Public Prosecutor's Office requesting the initiation of an investigation and protection measures for her and her relatives. To date, the authorities are investigating the facts³⁷⁷⁰.

1665. According to available information, on July 3, Nancy Herrera, an activist of the Cubeo indigenous people of the Yapacana National Park region in Amazonas state, was reportedly forced to publicly apologize after she questioned a military officer for allegedly being involved in illegal mining activities in Yapacana National Park. The public apology was allegedly made in the presence of the soldier, a prosecutor from the Public Prosecutor's Office and armed personnel around her. The activist also denounced having received threats of arrest by agents of the security forces "if she did not do what he [the General] said", for which she requested the protection of the national government³⁷⁷¹.

³⁷⁶² IPYS, [Periodista Carola Briceño es víctima de campaña de agravios](#), 19 January 2023; Voz de América, [Periodista teme ser deportada desde Colombia](#), 8 February 2023.

³⁷⁶³ IPYS, [Periodista Carola Briceño es víctima de campaña de agravios](#), 19 January 2023; Espacio Público, [Enero: hostigamiento para silenciar la crítica](#), 6 February 2023.

³⁷⁶⁴ Voz de América, [Periodista teme ser deportada desde Colombia](#), February 8, 2023; El Tiempo, [Periodista venezolana en Bogotá pide refugio al gobierno colombiano](#), February 5, 2023.

³⁷⁶⁵ IPYS, [Desconocidos difundieron video difamatorio contra periodistas](#), June 12, 2023.

³⁷⁶⁶ Fake News Hunters, [Uncovered: The Disinformation Factory on Instagram that Threatens Democracy in Venezuela](#), March 12, 2023.

³⁷⁶⁷ IPYS, [Dos periodistas fueron objeto de suplantación de identidad en plataformas digitales](#), May 18, 2023; Espacio Público, [Periodista Laura Clisánchez alerta que está siendo acusada de extorsión por una cuenta anónima](#), June 22, 2023.

³⁷⁶⁸ El Impulso, [Journalists in Monagas and Bolívar were victims of aggressions and identity usurpation #19May](#), May 19, 2023; Espacio Público, [Journalist Laura Clisánchez alerts that she is being accused of extortion by an anonymous account](#), June 22, 2023; Voces del Sur, [Nuevamente cuenta en Instagram desacredita a periodista de Bolívar](#), June 22, 2023; Espacio Público, [Periodista Laura Clisánchez alerta que está siendo acusada de extorsión por una cuenta anónima](#), June 22, 2023.

³⁷⁶⁹ IPYS, [Ronna Rísquez es objeto de amenazas por su libro sobre el Tren de Aragua](#), February 15, 2023; TalCual, [Libro sobre el Tren de Aragua desata amenazas contra familia de periodistas Ronna Rísquez](#), February 27, 2023.

³⁷⁷⁰ IPYS, [Ronna Rísquez es objeto de amenazas por su libro sobre el Tren de Aragua](#), February 15, 2023; TalCual, [Libro sobre el Tren de Aragua desata amenazas contra familia de periodistas Ronna Rísquez](#), February 27, 2023.

³⁷⁷¹ La Izquierda Diario, [Very serious. Por denunciarlo de minería ilegal, general y un fiscal amenazan a una dirigente indígena de Amazonas](#), 5 July 2023; Espacio Público, [Obligan a ciudadana indígena a disculparse ante un militar](#), 5 July 2023.

1666. The Office of the Special Rapporteur has already pointed out that women who actively exercise freedom of expression and maintain a high public profile, such as women journalists, women human rights defenders and women politicians, are doubly attacked, both for exercising freedom of expression and because of their gender³⁷⁷². Restrictions and obstacles to the exercise of women's right to freedom of expression only reinforce their marginalization from the public space, and structural discrimination prevents them from freely exercising their right to freedom of expression³⁷⁷³.

1667. As such, authorities are under an obligation to integrate a gender perspective into all initiatives aimed at creating and maintaining a safe and enabling environment for the exercise of the right to freedom of expression³⁷⁷⁴. As noted in the 2022 Joint Statement of Special Rapporteurs on Gender Justice and Freedom of Expression, States must develop and implement integrated prevention, protection, monitoring and response mechanisms to ensure the safety of women journalists³⁷⁷⁵. State officials should publicly condemn any attacks on women journalists and should refrain from making statements that could put them at risk³⁷⁷⁶.

1668. Likewise, RELE reiterates that social media platforms have an obligation to ensure that online spaces are safe for all women and free of discrimination, violence, hate and misinformation. Companies must improve their transparency and control of content, provide users with safety tools, facilitate the reporting of online violence, and create direct and easily accessible avenues for the escalation of complaints. They should ensure that the relevant teams have the necessary knowledge about gender-based violence and the cultural context³⁷⁷⁷.

D. Freedom of expression and the Internet

1669. Among other documented events, on January 6, the Facebook page of El Tubazo Digital, a media outlet that reports news from Guárico state and Venezuela, was hacked and, given the alleged impossibility of recovering its page, it had to create a new profile on the social network³⁷⁷⁸. In addition, on June 14, journalist Luis Olavarrieta reported that his YouTube channel had been hacked³⁷⁷⁹.

1670. Additionally, there have been reports of identity theft in digital spaces³⁷⁸⁰. For example, *Diario Panorama* denounced that third parties were impersonating the media outlet to publish information on its web domain, panorama.com.ve, which had been suspended by Conatel in January 2021³⁷⁸¹. Likewise, in April, the graphic identity and the name of the digital media *Alertas 24* were allegedly used to disseminate false information³⁷⁸². On May 15, Joel Dullroy and Laura Clisánchez, of the newspaper *Correo del Caroní*, denounced the use of their names and images to ask for money through false e-mails³⁷⁸³.

1671. On the other hand, the network infrastructure in Venezuela continues to be deficient, which is part of a context of socioeconomic crisis. Thus, for example, signal drops, intermittent service and slow

³⁷⁷² IACHR, Office of the Special Rapporteur for Freedom of Expression, Women Journalists and Freedom of Expression, October 2018, OEA/Ser.L/V/II, IACHR/RELE/INF.20/18, para. 3.

³⁷⁷³ IACHR, Office of the Special Rapporteur for Freedom of Expression, Women Journalists and Freedom of Expression, October 2018, OEA/Ser.L/V/II, IACHR/RELE/INF.20/18, para. 67.

³⁷⁷⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, Women Journalists and Freedom of Expression, October 2018, OEA/Ser.L/V/II, IACHR/RELE/INF.20/18, para. 69.

³⁷⁷⁵ UN, OSCE, OAS, ACHPR, Joint Declaration on Freedom of Expression and Gender Justice, May 3, 2022.

³⁷⁷⁶ UN, OSCE, OAS, ACHPR, Joint Declaration on Freedom of Expression and Gender Justice, May 3, 2022.

³⁷⁷⁷ UN, OSCE, OAS, ACHPR, Joint Declaration on Freedom of Expression and Gender Justice, May 3, 2022.

³⁷⁷⁸ IPYS, [Hackean página de Facebook de El Tubazo Digital](#), January 19, 2023.

³⁷⁷⁹ Nueva Prensa Digital, [Luis Olavarrieta informó que su canal de Youtube fue hackeado](#), 14 June 2023; La Verdad de Monagas, [Hackean el canal de Youtube del periodista Luis Olavarrieta](#), 14 June 2023.

³⁷⁸⁰ IPYS, [Desconocidos suplantarón la identidad de El Pitazo para pedir información a lectores](#), June 7, 2023.

³⁷⁸¹ Instagram account of Diario El Panorama (@diariopanorama), [May 3, 2023](#); IPYS, [Diario Panorama denounced identity theft on its web domain](#), May 16, 2023.

³⁷⁸² IPYS, [Suplantación de identidad de medio digital para difundir información falsa](#), April 26, 2023.

³⁷⁸³ PYS, [Dos periodistas fueron objeto de suplantación de identidad en plataformas digitales](#), 18 May 2023; Espacio Público, [Periodista Laura Clisánchez alerta que está siendo acusada de extorsión por una cuenta anónima](#), 22 June 2023.

connection speeds are frequently reported. The Internet Observatory Ve Sin Filtro reported several cases of Internet signal downtime in different regions of the country, with different duration periods³⁷⁸⁴.

1672. In addition to the precarious infrastructure, the Rapporteurship has observed the high cost of internet access in the country. According to available information, in July, the state-owned company CANTV, the main service provider, offered plans ranging from US\$5 to US\$20 for a connection that varies from 6 mbps to 22 mbps³⁷⁸⁵, in a country where the minimum wage is approximately US\$5 per month³⁷⁸⁶.

1673. In this context, there is still a significant digital divide in the national territory. In March 2023, the OVSP reported that more than half of the people surveyed (50.60%) in 12 cities in the country said that they do not have Internet service at home³⁷⁸⁷.

1674. On the other hand, the Rapporteurship continued to receive reports on the blocking of news portals considered to be in opposition to the Government, including pages of media and civil society organizations³⁷⁸⁸. As of March 12, 2023, the Observatorio Ve Sin Filtro reported that 97 domains remain blocked by CANTV and different private service providers such as Digitel, Inter, NetUno and Movistar, of which 62 belong to media websites³⁷⁸⁹. These numbers would imply "the blocking of practically the entire news market that reports critical news in Venezuela"³⁷⁹⁰. During 2023, four new blockades were reportedly carried out against news and organization websites, such as the media outlet *El Diario*³⁷⁹¹; the media outlet *Mundo Oriental*³⁷⁹²; the *Observatorio de Finanzas*³⁷⁹³, and the initiative *Salario Digno Venezuela* of the Red Sindical Venezolana³⁷⁹⁴. As of June 20, the state-owned CANTV continues to be the operator with the most restricted domains, using HTTP/HTTPS and DNS blocking as the most frequent methods.³⁷⁹⁵ It is alleged that the blocking phenomenon would be closely linked to disinformation in Venezuela, since in principle people, instead of accessing the complete news, would consume only the headline or the summary they would receive by WhatsApp, unless they use block evasion tools such as VPN's considering that several would be blocked³⁷⁹⁶, or generate local strategies of citizen organization to inform themselves³⁷⁹⁷.

1675. Along with the blockades, there were reports of distributed denial of service (DDoS) and alleged copyright infringements against information and opinion portals. On May 7, the digital portal *Aporrea*

³⁷⁸⁴ Twitter account of Venezuela Sin Filtro (@Vesinfiltro). [February 8, 2023](#); [February 15, 2023](#); [February 23, 2023](#); [February 28, 2023](#); [March 1, 2023](#); [March 8, 2023](#); [March 17, 2023](#); [March 22, 2023](#); [March 27, 2023](#); [April 13, 2023](#); [April 21, 2023](#); [April 24, 2023](#); [May 8, 2023](#); [May 11, 2023](#); [June 28, 2023](#).

³⁷⁸⁵ Finanzas Digital, [Consult CANTV's ABA plan rates for July 2023](#), July 10, 2023; Bloomberg Línea, [Venezuela phone companies adjust rates as they face service weakness](#), July 11, 2023.

³⁷⁸⁶ El Comercio, [Revisa los últimos detalles del salario mínimo este 17 de junio](#), June 18, 2023; La República, [Salario mínimo 2023: de cuánto es el incremento en Venezuela](#), June 13, 2023.

³⁷⁸⁷ Observatorio Venezolano de Servicios Públicos, [OVSP: Half of those surveyed do not have internet service at home](#), April 24, 2023.

³⁷⁸⁸ Espacio Público, [Informe 2022: Situación del derecho a la libertad de expresión e información en Venezuela](#), May 3, 2023; IPYS, [Derechos fuera de línea. Reporte Anual Derechos Digitales 2022](#), May 24, 2023.

³⁷⁸⁹ Venezuela Sin Filtro Twitter account (@Vesinfiltro), [March 12, 2023](#).

³⁷⁹⁰ NTN24, ["Lo que más se bloquea en Venezuela son páginas web de medios digitales". Andrés Azpúrua, director of 'Ve Sin Filtro'](#), March 13, 2023.

³⁷⁹¹ Venezuela Sin Filtro Twitter account (@Vesinfiltro), [May 3, 2023](#); Efecto Cocuyo, [Ve Sin Filtro: There are 62 media outlets blocked in Venezuela](#), March 12, 2023.

³⁷⁹² IPYS, [Cuatro medios de comunicación fueron vulnerados en El Tigre tras detención del exalcalde](#), May 11, 2023; Espacio Público, [Mayo: Crítica bajo acecho](#), June 6, 2023.

³⁷⁹³ Twitter account of Observatorio Venezolano de Finanzas (@observafinanzas), [May 8, 2023](#).

³⁷⁹⁴ Espacio Público, [Operadoras aplicaron bloqueo DNS a portal web de la Red Sindical Venezolana](#), May 11, 2023; Efecto Cocuyo, [Ve Sin Filtro registra cuatro bloqueos a sitios informativos en lo que va que va de mayo](#), May 17, 2023.

³⁷⁹⁵ Venezuela Sin Filtro Twitter account (@Vesinfiltro), [June 20, 2023](#).

³⁷⁹⁶ NTN24, ["Lo que más se bloquea en Venezuela son páginas web de medios digitales". Andrés Azpúrua, director of 'Ve Sin Filtro'](#), March 13, 2023; Center for International Media Assistance, [Digital Rights and Democracy: Internet Censorship in Venezuela](#), March 24, 2022.

³⁷⁹⁷ Espacio Público, [Situación general del derecho al acceso a la información pública: enero-junio 2023](#), July 10, 2023; El Ucabista, [Carlos Correa, Director of Espacio Público: "62,9% de los venezolanos considera que hay censura de contenidos en redes sociales"](#), June 26, 2023.

reported having suffered a DDoS attack, which was repeated on May 8³⁷⁹⁸. In relation to the obstacles to remain online due to alleged copyright violations, this Office reported the cases of the media *El Nacional* and *Qué pasa en Venezuela*, whose websites were reportedly subject to restrictions between May 4 and 6 for more than 13 and 26 hours respectively, after receiving allegations of plagiarism for a report they had published on the business of exporting Venezuelan gas to Colombia. According to the information available, the requests for removal of the report due to copyright and were addressed to the companies that host the servers of the websites of both media³⁷⁹⁹.

1676. There is a consensus in international human rights law on the crucial role that Internet access has for the effectiveness of a wide range of human rights, including freedom of expression, freedom of association and assembly, the right to participate in social, cultural and political life, the right to health, education, work, among others³⁸⁰⁰. In this regard, RELE recalls that as part of its positive obligation to promote and facilitate the enjoyment of human rights, States must take all measures within their power to ensure that all persons have effective access to the Internet. Likewise, the obligation to respect implies that the authorities refrain from interfering with access to the Internet and digital communication platforms, unless the restriction is in full compliance with the requirements set forth in the applicable human rights instruments³⁸⁰¹.

1677. With regard to the interruption of Internet access, this Office reiterates what has been expressed by the Office of the United Nations High Commissioner for Human Rights, in that although these actions "profoundly undermine many human rights, they most directly affect freedom of expression and access to information, a pillar of free and democratic societies and an indispensable condition for the full development of the individual"³⁸⁰². In this sense, given their indiscriminate and widespread effects, these interruptions very rarely meet the criteria of legality, legitimate objective, necessity and proportionality. This is because any form of interruption of Internet access harms countless legitimate and beneficial activities. As the OHCHR points out, "while total disruptions have serious consequences and can in no case be justified, other forms of network and communications disruption can also have indiscriminate negative effects and are therefore disproportionate"³⁸⁰³.

³⁷⁹⁸ Aporeea Twitter account (@aporrea). [May 7, 2023](#); Espacio Público, [Aporrea Portal suffered a DDoS attack](#), May 9, 2023.

³⁷⁹⁹ IPYS, [Portals of El Nacional and Qué Pasa en Venezuela were limited after false accusation of plagiarism](#), May 17, 2023.

³⁸⁰⁰ UN, Human Rights Council, Resolution 47/16, Promotion, protection and enjoyment of human rights on the Internet, A/HRC/RES/47/16, July 26, 2021; UN, OSCE, OAS, ACHPR, Joint Declaration on Freedom of Expression and the Internet, June 1, 2011.

³⁸⁰¹ UN, Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/50/55, 13 May 2022, para. 8.

³⁸⁰² UN, Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/50/55, 13 May 2022, para. 9.

³⁸⁰³ UN, Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/50/55, 13 May 2022, para. 13.

CHAPTER III: CONCLUSIONS AND RECOMMENDATIONS

1. As on previous occasions, the Office of the Special Rapporteur concludes its Annual Report with a chapter of conclusions and recommendations. The purpose of this practice is to establish a fluid dialogue with the member states that will enable the Americas to set an example of respect, guarantee and promotion of the right to freedom of expression.

A. Journalism and Democracy

2. The Office of the Special Rapporteur notes with concern the continuing high levels of violence against the press in the region. These incidents include assaults, threats, judicial harassment, as well as acts of intimidation and censorship.

3. This Office documented 21 murders of press workers in the exercise of their profession in the Americas, whose motive could be linked to their work as journalists. Murders of journalists were recorded in: Colombia (1), the United States (2), Guatemala (5), Haiti (3), Honduras (1), Mexico (8) and Paraguay (1). Crimes against journalists, in addition to threats, intimidation and other attacks on their lives and integrity, are evidence of the persistence of patterns of violence in several states of the region and the situation of extreme vulnerability in which the press carries out its work. In this context, it is crucial to emphasize the differential violence faced by women journalists because of their gender.

4. During the 186th Period of Sessions of the IACHR, the Special Rapporteur for Freedom of Expression participated in a thematic hearing on the protection of journalists and defenders in the region, in which civil society organizations presented information on the incessant violence against the press. On this occasion, the IACHR expressed its alarm at this context and stressed the need to investigate these events and analyze the causes and consequences of the phenomenon.

5. In June, in a press release, the Rapporteurship denounced the situation of violence against journalists in the Americas and urged the States of the region to investigate the facts thoroughly and independently, and to punish the crimes exemplarily, as well as to redouble their efforts to prevent these attacks and protect those at risk.

6. Among other serious incidents, attacks and restrictions on the press during coverage of social protests have been documented. This includes intimidation and the use of force by authorities and organized groups, directly affecting press freedom. In addition, the constant stigmatization of the press by high-ranking officials and political leaders in some countries continues to be an alarming practice that endangers the safety and integrity of journalists.

7. On the other hand, the Office of the Special Rapporteur has observed a worrisome trend in the use of judicial mechanisms as a form of intimidation and censorship against journalists, especially those who investigate matters of public interest or corruption. In this regard, the IACHR and its RELE recalled that the use of criminal law as a form of reprisal and intimidation against journalists and communicators who investigate matters of high public interest constitutes an indirect means of censorship. The use of State power and ordinary institutional mechanisms with the aim of pressuring, threatening and punishing social communicators and the media based on their reporting lines contravenes international standards on freedom of expression. As has been previously stated, "when the law is used for the purpose of eliminating or appeasing criticism or dissent, what exists is persecution and not a legitimate attempt to strengthen the rule of law".

8. In countries with authoritarian signs, the Rapporteurship has continued to receive information on arrests of journalists, closure and confiscation of media outlets, raids and confiscation of work equipment, and criminalization. These actions undertaken by the State seek to silence the press and control any discourse that questions or contradicts official voices, undermining basic guarantees for the exercise of fundamental freedoms.

9. In this context, self-censorship and forced exile have become a recurrent mechanism for journalists who face severe threats due to pressure and repression.

10. In relation to this point, the Office of the Special Rapporteur recommends to the Member States:

- A. Adopt adequate prevention mechanisms to avoid violence against communicators, including public condemnation of any act of aggression, omitting any statement that could increase the risk for journalists, respect for the right of journalists to keep their sources of information confidential; the training and education of public officials, especially police and security forces, and, if necessary, the adoption of behavioral guides or guidelines on respect for freedom of expression, the determination of appropriate sanctions proportionate to the harm committed, as well as the preparation of accurate statistics on violence against journalists.
- B. Adopt the necessary measures to guarantee the safety of those who are subject to a special risk due to the exercise of their right to freedom of expression, whether the threats come from agents of the State or from private individuals. The protection measures or programs must be adequate and sufficient to fulfill their purpose, in accordance with what is expressed in this report.
- C. Conduct diligent, impartial and effective investigations into murders, assaults, threats and acts of intimidation committed against journalists and media workers, in accordance with what is expressed in this report. This implies the existence of special investigation units and protocols, as well as the identification and exhaustion of all possible criminal hypotheses linking the aggression to the professional practice of the victim.
- D. To try by impartial and independent courts all those responsible for murders, aggressions, threats and acts of intimidation due to the exercise of freedom of expression, to remove legal obstacles to the investigation and punishment of such crimes, to ensure the widest possible participation of victims and their families in the investigation and judicial proceedings, as well as adequate reparation, and to eliminate gender barriers that hinder access to justice.
- E. Adopt the necessary measures so that those who work in the media and had to be displaced or exiled due to being in a situation of risk can return home in safety. When it is not possible for these persons to return, States should adopt measures so that they can remain in the place of their choice in dignified conditions, with security measures and the necessary economic support to maintain their work and family life.
- F. Adopt specific, adequate and effective measures to prevent attacks and other forms of violence perpetrated against women journalists and to prosecute and punish those responsible. The State should adopt effective measures to promote the reporting of violence against women journalists and to combat the impunity that characterizes these crimes.

B. Freedom of Expression, Rule of Law and Democratic Institutionalality

11. As in previous years, 2023 was also a year marked by citizen protests and demonstrations in different parts of the region. The Office of the Special Rapporteur observed with concern several episodes of excessive use of police force to disperse protests, which in some cases resulted in injuries, detentions and deaths.

12. For example, in Argentina, protests took place in June in the province of Jujuy. The IACHR and its Office of the Special Rapporteur observed excessive use of force by security forces in demonstrations by indigenous peoples and trade unions, resulting in multiple injuries, including an adolescent. In addition, raids and detentions of demonstrators were reported in July. In Bolivia, the Rapporteurship highlights that violent confrontations persist in protests. Concerns are highlighted by the arrest of the governor of Santa Cruz and the

subsequent demonstrations, marked by violence, confrontations and allegations of human rights violations. In Chile, police responses to student protests in March evidenced the use of force.

13. In Cuba, in May, incidents of repression and arbitrary detentions were reported during a protest in Guantanamo, involving assaults and detentions of young demonstrators.

14. In Panama, the IACHR and its RELE monitored protests in October and November against Law 406, related to mining concessions. The claims point to the unconstitutional approval of the project and its effects on natural resources and the environment.

15. As in previous years, disproportionate use of force was reported in Venezuela to disperse peaceful protests, with special emphasis on demands for economic, social, cultural and labor rights. Cases of detentions and prosecutions of workers in labor disputes stand out.

16. Regarding access to public information, the Rapporteurship documented the persistence of limitations to the right of access to public information, exacerbated by the regime of exception. These include the absence of detailed and periodic information, refusals to respond to requests for information on measures adopted, lack of transparency in IAIP decisions, and obstacles to press coverage. These concerns, which date back to the inauguration of the current Government in 2019, have been accentuated under the emergency regime.

17. The Office of the Special Rapporteur also notes continued obstacles to access to public information in Honduras. Many requests are responded to late, incompletely or vaguely, and public entities often redirect to official websites that lack the required information. The Access to Information Institute classifies many of these responses as "delivered", although in reality they are incomplete or ambiguous, according to information received by the Office.

18. In Mexico, RELE followed up on the situation of the National Institute for Transparency, Access to Information and Protection of Personal Data (INAI). The Rapporteurship learned of alleged violations and regressions in the guarantee of the right of access to information, as well as alleged threats against the existence of autonomous bodies such as INAI.

19. In relation to this point, as in previous years, the Office of the Special Rapporteur recommends to the Member States:

- A. Guarantee the legitimate exercise of social protest and prevent the application of disproportionate restrictions that could be used to inhibit or repress critical or dissident expressions. In order to be compatible with international human rights obligations, any national regulation affecting the right to social protest must comply with requirements of legality, necessity and proportionality;
- B. To initiate the necessary legislative reforms in order to eliminate from the legal system prior authorization or permit requirements for holding demonstrations and protests in public spaces, and expressly establish the general presumption in favor of the exercise of this right;
- C. Ensure the protection of individuals and refrain from stigmatizing or stereotyping demonstrators and their demands, avoiding making generalizations based on the behavior of particular groups or isolated events. If security forces must act in a demonstration, they should use the safest and least harmful measures to the rights of individuals. The response of the security forces should be oriented to the protection and facilitation of rights and not to their repression. The general principles on the use of force, applied to the context of protests and demonstrations, require that the management of security operations be carefully and thoroughly planned by persons with specific experience and training for this type of situation;

- D. Within the framework of the positive obligations to guarantee the right and protect those who exercise it and third parties, States should establish specific rules and protocols of action for security forces acting in situations of social protest and public demonstrations. These directives should be aimed at ensuring that police officers act with the certainty that their obligation is to protect the participants in a public meeting or demonstration or gathering, insofar as the exercise of a human right is involved;
- E. Guarantee that firearms are excluded from the devices used to control social protests. The prohibition of carrying firearms and lead ammunition by officials who may come into contact with protesters has proven to be the best measure to prevent lethal violence and the occurrence of deaths in the context of social protests. The operations may contemplate that in some place outside the radius of action of the demonstration, firearms and lead ammunition are available for exceptional cases in which a situation of violence arises that warrants their use. In this extreme case, there must be explicit regulations about who has the power to authorize their use and the ways in which this authorization is duly documented.

C. Freedom of expression and the fight against discrimination and exclusion

20. In 2023, in 2023, the Special Rapporteur observed the efforts of various States to promote inclusion and protect the rights of marginalized groups such as persons with disabilities, indigenous peoples, and the LGBTI+ community. Among the advancements, the Rapporteur learned of initiatives in different countries, such as the recognition of Paraguayan Sign Language as an official language in Paraguay, the passage of laws to promote African-rooted traditions and Candomblé in Brazil, the adoption of a bill in Bolivia to safeguard the rights of Rastafarians, acknowledging the use of cannabis in their religious practices, and the release of international documentaries that tell the story and natural wealth of islands like Dominica and the Kalinago people, promoting the protection of diverse identities of historically marginalized groups.

21. However, this Office has identified that significant challenges persist in the region, such as the censorship of debate on controversial issues in educational spaces, which undermines the potential of education to develop values of understanding, solidarity, and respect. The Rapporteur learned of cases of restrictions on freedom of expression, such as self-censorship and the banning of books in schools, as well as attacks and stigmatizing speech against journalists and LGBTI+ individuals. Moreover, the proliferation of crime, weapons, and drugs in some communities, which has generated tensions in countries like the Bahamas and Ecuador, is highlighted. Lastly, the Rapporteur views with concern the attacks and threats against women journalists and activists, as well as the need for measures to protect their safety and freedom of expression, especially in countries like Argentina, Venezuela, Mexico, and Colombia.

22. The Rapporteur emphasizes the importance of creating an enabling environment for freedom of expression and access to information for historically marginalized groups, including women, the LGBTI+ community, and indigenous peoples. The Office urges States to recognize the need for transparency and informed consultation in the context of extractive industries in territories inhabited by indigenous and tribal peoples. Additionally, the Rapporteur underlines the importance of promoting understanding and respect for diversity, as well as taking concrete actions to combat discrimination and violence against transgender people.

23. In relation to this point, the Special Rapporteur recommends that Member States:

- A. Counteract by all possible means those discourses that incite discrimination, hostility, or violence, in accordance with international human rights standards.
- B. Recognize social protest and artistic expression as privileged spaces for historically discriminated groups to enjoy the right to freedom of expression, including considering that it is up to the groups themselves to choose the modalities of protest and artistic expression.
- C. Encourage public officials, in the exercise of freedom of expression, to help counter discrimination and intolerance, promote intercultural understanding, social inclusion, and respect for diversity.

- D. Adopt good practices aimed at eradicating stigmatization against the press, especially during electoral periods.
- E. Legislate in the field of community broadcasting, so that an equitable part of the spectrum and digital dividend is allocated to community radios and channels. When assigning these frequencies, democratic criteria that guarantee equality of opportunity for all individuals in the access and operation of these media on an equitable basis must be taken into account, without disproportionate or unreasonable restrictions and with protection against violence, in accordance with Principle 12 of the Declaration of Principles and the "Joint Declaration on Diversity in Broadcasting".
- F. Promote effective policies and practices that allow access to information and equal participation of all sectors of society so that their needs, opinions, and interests are considered in the design and decision-making of public policies. Likewise, adopt legislative and other measures necessary to ensure pluralism, including laws that prevent the existence of public or private monopolies and undue or excessive concentration of media.
- G. Adopt clear, fair, objective, and equitable procedures for the granting or renewal of broadcasting licenses, taking into account the importance of the media for all sectors of society – including the historically discriminated – to participate knowledgeably in the democratic process.

D. Freedom of expression and the internet

24. The year 2023 was marked by the expansion of debates, paradigms and public policies on access to information in digital media, security in cyberspace, the need and limits of virtual regulation, the protection of personal data, universal access to technology under the principles of equality and non-discrimination, and the autonomous, independent and responsible use of the Internet and digital technologies.

25. Freedom of expression continued to face significant challenges in the digital environment, especially due to threats and intimidation against journalists and human rights defenders through social networks, as well as concerns about disinformation in the electoral context.

26. The IACHR and its Office of the Special Rapporteur noted with concern the incitement to violence, including incitement to the breakdown of public order and national security in the Brazilian post-electoral context of violent extremism. In this regard, the Special Rapporteurship recalls that political leaders and persons exercising public functions should not make statements that may promote intolerance or misinformation.

27. The IACHR appreciates the efforts of some countries in the region to develop initiatives for the regulation of digital platforms, the fight against disinformation, and access to public information and transparency in public service. However, it emphasizes that in order to impose additional responsibilities for the exercise of the fundamental right to freedom of expression on the Internet, or in any other sphere, it is not sufficient to invoke mere conjecture about possible violations of order.

28. The response of States in the area of security in cyberspace should be limited and proportionate, and should seek to comply with precise legal purposes that do not compromise the democratic virtues that characterize the network. The Rapporteurship recalls that the guarantees of freedom of expression extend to the Internet and that any restrictions on this online freedom must meet the "tripartite test", which requires that the restrictions be established by law, pursue a legitimate objective recognized by international law, and be necessary and proportionate to achieve that objective.

29. RELE learned that the Get Safe Online platform, one of the main online security resources in the world, verifying the legitimacy and security of websites, has launched its "Check a Website" service in Caribbean countries, including Barbados, Antigua and Barbuda, Dominica, among others. Another noteworthy

initiative was the Digital Alliance between the European Union and Latin America and the Caribbean, which was joined by the governments of Jamaica, Bahamas, Suriname and Barbados.

30. In Panama, Paraguay, Guyana and Honduras, the Rapporteurship highlights digital inclusion policies aimed at historically vulnerable groups, such as women, rural and indigenous communities, in accordance with the principle of equality and non-discrimination.

31. Given the digital divide in the region, the IACHR and its Office of the Special Rapporteur also stress that the authorities should encourage educational measures aimed at promoting the ability of all persons to make autonomous, independent and responsible use of the Internet and digital technologies, known as digital literacy, valuing the digital literacy initiatives developed in Guyana, Mexico and Paraguay.

32. In relation to this point, as in previous years, the Office of the Special Rapporteur recommends to the Member States:

- A. Avoid regulatory frameworks for Internet intermediaries for user content circulating on their platforms, which may encourage the dynamics of "private censorship".
- B. Avoid creating general and/or ambiguous laws in order to combat disinformation on the internet, as well as the use of criminal prohibitions to punish the dissemination of "falsehoods" or "non-objective information".
- C. Engage in multilateral dialogues with the aim of building consensus in line with principles and standards of international human rights law, especially in the area of online content moderation and Internet governance.
- D. Promote broad, plural and robust consultations with all interested parties on the occasion of any legislative proposal or institutional initiative that arises in this area.
- E. Promote universal access to the Internet to ensure the universal and effective enjoyment of the right to freedom of expression through this medium.