

Alternative Report on the Situation of Freedom of the Press and Violence against Journalists in Guatemala

In 2012 – the year when the State was last reviewed by the Human Rights Committee as well as the UPR – Guatemala made a voluntary commitment to create a **Programme for the Protection of Journalists**. However, as of February 2018, this programme has yet to be put into effect, and the situation of freedom of expression and opinion in Guatemala, specifically the conditions and risks journalists must face to exercise their profession, has significantly worsened.

In view of the examination of Guatemala before the Human Rights Committee in March 2018, the Centre for Informative Reports on Guatemala (**CERIGUA**), with the support of **IFEX** and the International Network for Human Rights (**RIDH**), produced an alternative report on the aforementioned issues covering the time-period between 2012 and February 2018, the month in which this report was completed.

1. WORK ENVIRONMENT AND SECURITY OF MEDIA PROFESSIONALS

Since 2012, despite the promise of the State to create a Protection Programme for Journalists, Guatemalan journalists and other information providers have had to operate in an **increasingly dangerous and hostile environment**. CERIGUA's Journalists Observatory has reported hundreds of attacks, death threats and other crimes committed against journalists across the country in the exercise of their work. The Journalists Observatory has also registered an **increase in murders of journalists** in recent years. Since 2013, 20 journalists were killed; the two most recent assassinations happened on 1 February 2018.

Journalists have been targeted primarily for their work investigating groups linked to organised crime, drug trafficking and political corruption. These **attacks are mostly perpetrated outside of the capital city**, where violence and insecurity are more prevalent. A notable proportion of these intimidations, threats, assaults and murders are committed or instigated by certain **elected local authorities** – including mayors and parliamentarians – and representatives of the state such as police officers. Since 2013, this situation **has worsened on a national scale** with the growing use of Penal Law as well as smear-campaigns from high-ranking officials to intimidate journalists from certain investigations and criminalise their work.

The fact that authorities and political figures play a role in these executions means these crimes are almost always committed with **total impunity** (in **98%** of the cases). Of the 38 journalists killed since 2000, only 1 case – the murder of Jorge Merida in 2008 – has seen the perpetrators tried and convicted. The lack of accountability for these attacks, especially when directly or indirectly perpetrated by public officials, fosters a particularly dangerous environment for journalists, which often leads in turn to **self-censorship** in order to avoid reprisals.

2. PUBLIC POLICIES AND JOURNALISTS' PROTECTION PROGRAMME

Since its last evaluation by the Human Rights Committee in 2012, the State of Guatemala has **repeatedly promised** to establish a Programme for the Protection of Journalists but has **yet to make a serious commitment** to this pledge.

In late 2013 and throughout the following year, as a response to growing national and international pressure in the aftermath of various attacks on journalists perpetrated by state officials, the government of Guatemala reluctantly agreed to begin the first stages of this programme, by calling for a “High-Level Roundtable” and “Technical Working-Groups” to discuss the necessary measures. However, **journalists and media professionals were excluded** from any participation in these processes. In the meantime, violence against journalists increased exponentially.

Guatemala was twice visited by the IACHR's Special Rapporteurs for Freedom of Expression – in 2013 by Catalina Botero and in 2017 by Edison Lanza– both of **whom highlighted the State's role in the**

conditions of insecurity faced by journalists and, as various countries have done at Guatemala's 2012 and 2017 UPRs, **urged for the creation and implementation of the Protection Programme.**

While the Programme has been regularly called for and promised by Guatemala's consecutive governments since 2012, including by the current president, Jimmy Morales, it remains **widely underfunded and underdeveloped**, thus proving once again that this is not a priority despite the urgent situation that threatens journalists and freedom of the press.

3. RECOMMENDATIONS

- **Urge the State of Guatemala to create and implement the special programme for the protection of journalists promised by the State ever since its last review by the Human Rights Council and Universal Periodic Review in 2012.**

This programme **must be designed to protect media workers and journalists and must guarantee the inclusion of Guatemalan associations of journalists in its elaboration, implementation and monitoring.** It must also be allocated a **sufficient budget and necessary means for its smooth functioning.** The programme should also enable **proper risk assessment and adopt effective protection and prevention measures** in order to protect journalists from attacks and assassinations starting with the implementation of safety mechanisms.

- **Elaborate a high-level public policy, based on the international standards and commitments made by Guatemala, to create and promote a secure environment and conditions for journalistic activity in all regions of the country.** This policy should also provide a **training and awareness-raising plan for law enforcement officials, the military and police, judicial officers and senior State officials**, to ensure the full comprehension of the international standards for the protection of journalists and the various international commitments made by Guatemala.
- **Take the necessary measures to guarantee the proper investigation of the murders of journalists** – that remain to this day unpunished – in order to identify and bring to justice the intellectual and physical perpetrators of these crimes. It is also **urgent to properly apply the legal framework to protect journalists and media professionals in order to fight against this generalised impunity.**
- **Implement comprehensive prevention, protection, investigation measures and sanctions of those responsible of attacks on media professionals.** Put into effect strategies to end impunity of crimes against journalists by sharing good practices.
- **The State must collect information and data on the killings and threats committed against journalists and attacks against freedom of expression and the press.** The State must also **provide reliable official statistics** in order to analyse the trends and evolution of the situation, by also including a **gender perspective.**
- **The State of Guatemala must give regular updates to UNESCO on the progress of judicial investigations** as stipulated in the mechanism of the International Programme for the Development of Communication (IPDC) and reiterated by the Human Rights Council's Resolution 33/2 adopted on 29 September 2016 whereby it *"Invites Member States and all relevant stakeholders to cooperate further in promoting awareness of and implementing the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, and to this end calls upon States to cooperate with relevant United Nations entities, in particular the United Nations Educational, Scientific and Cultural Organization, relevant special procedures of the Human Rights Council and international and regional human rights mechanisms."*